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S. Hrg. 100-94

ESTABLISHMENT OF A PEACE GARDEN AND MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 261

TO AUTHORIZE THE ESTABLISHMENT OF A PEACE GARDEN ON A SITE TO BE SELECTED BY THE SECRETARY OF THE INTERIOR

H.R. 191

TO AUTHORIZE THE ESTABLISHMENT OF A PEACE GARDEN ON A SITE TO BE SELECTED BY THE SECRETARY OF THE INTERIOR

S. 451

TO REQUIRE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY TO DETERMINE THE APPROPRIATE MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

MAY 7, 1987

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S311-46

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CONTENTS

Page

S. 261 3
H.R. 191 7
S. 451 11

STATEMENTS

Baucus, Hon. Max, a U.S. Senator from the State of Montana 20
Bumpers, Hon. Dale, a U.S. Senator from the State of Arkansas 1
DeCamp, Bob, president, Hawaii Helicopter Operators Association 201
DeConcini, Hon. Dennis, a U.S. Senator from the State of Arizona 35
Fish, Manus J., Jr., Director, National Capital Region, National Park Service, Department of the Interior 65
Galvin, Denis P., National Park Service, accompanied by Manus J. Fish, Jr., Director, National Capital Region, National Park Service, Department of the Interior 60
Halvorson, Elling, president, North American Helicopter Airways, Inc 187
Hecht, Hon. Chic, a U.S. Senator from the State of Nevada 24
Jensen, Frank L., Jr., president, Helicopter Association International 167
Kahan, James L., president, Grand Canyon Flight Operators Association 122
Kern, John S., Deputy Associate Administrator for Aviation Standards, Federal Aviation Administration, accompanied by Dan Peterson, Manager, Airspace Rules and Aeronautical Information Division, Federal Aviation Administration 56
Lienesch, William C., Director of Federal activities, National Parks and Conservation Association 94
Matsunaga, Hon. Spark M., a U.S. Senator from the State of Hawaii 24
McCain, Hon. John, a U.S. Senator from the State of Arizona 43
Murkowski, Hon. Frank H., a U.S. Senator from the State of Alaska 71
Nelson, Hon. Gaylord, counselor, the Wilderness Society 77
Norton, Edward M., Jr., president, the Grand Canyon Trust 87
Ratcliff, Elizabeth, the Peace Garden Project 203
Stephen, Alan R., president, Scenic Airlines, Inc 100
Von Kann, Clifton F., president, National Aeronautic Association 162
Wallop, Hon. Malcolm, a U.S. Senator from the State of Wyoming 23
Walsh, Richard, executive director, the Resource Center for the Handicapped 196
Walters, Ken, Grand Canyon Chapter, Sierra Club 110

APPENDIX

Additional material submitted for the record 207

ESTABLISHMENT OF A PEACE GARDEN AND MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS

THURSDAY, MAY 7, 1987

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:20 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, A U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator BUMPERS. The Subcommittee will come to order.

First, let me apologize to our witnesses and staff for being late this morning. If you came in on MacArthur Boulevard, you will understand. If you did not, I could not explain it.

The purpose of the hearing this morning is to receive testimony on two measures currently pending before the Subcommittee. The measures are S. 261, a bill to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior; and S. 451, a bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units. The House companion measures, H.R. 261 and H.R. 921, have passed the House and have also been referred to the subcommittee.

I will place copies of all these proposals in the hearing record.

With respect to the Peace Garden proposal, it is my understanding that there is very little controversy surrounding this measure. As I say, that is my understanding. I do not expect that to hold up. I remember one time I proposed a peace day.

It has passed the House twice with bipartisan support and is not opposed by the administration. I am pleased that the provisions of this measure are patterned after the generic legislation on commemorative works that the Congress enacted last year. I see no reason why this bill cannot be acted on favorably and expeditiously by the Committee and the full Senate.

S. 451, the so-called National Park Overflight legislation, has also passed the House twice by wide margins. This hearing today, however, marks the first time that the proposal has been actively considered in the Senate.

While I am aware of the issues raised by S. 451 and the general outline of the arguments presented by the proponents and the opponents of this legislation, I have not reached any final conclusions regarding the measure's specific provisions. It does appear, however, that some type of a legislative direction is going to be necessary to adequately address the problems associated with increasing air traffic over our national parks.

This hearing record will remain open for two weeks to allow time for the submission of additional statements and comments.

[The texts of S. 261, H.R. 191, S. 451, and a statement from Senator Baucus follow:]

II

100TH CONGRESS
1ST SESSION

S. 261

To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1987

Mr. MATSUNAGA (for himself, Mr. CRANSTON, and Mr. WILSON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service, is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California), pursuant to which the Peace Garden Project, Incorporated, may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) PROCEDURES.—The site selection, design, and construction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) DOCUMENTATION.—The agreement under section 1 shall require that the Peace Garden Project, Incorporated, provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Incorporated, to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

The Peace Garden Project, Incorporated, may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 per centum of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the moneys made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of enactment of this Act, unless construction of such garden begins during such period.

○

II

100TH CONGRESS
1ST SESSION

H. R. 191

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

---

AN ACT

To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Incorporated may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the

United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

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(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

Passed the House of Representatives March 10, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

II

100TH CONGRESS
1ST SESSION

S. 451

To require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1987

Mr. MATSUNAGA (for himself, Mr. MCCAIN, Mr. INOUYE, Mr. EVANS, Mr. CRANSTON, Mr. WILSON, Mr. MELCHER, Mr. BAUCUS, Mr. CHAFEE, Mr. BRADLEY, Mr. METZENBAUM, and Mr. WIRTH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF PARK OVERFLIGHTS.

(a) STUDY BY PARK SERVICE.--The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Director of the National Park Service, shall conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the national park system. The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration (hereinafter referred to as the "Administrator"), shall provide technical assistance to the Secretary of the Interior in carrying out the study.

(b) GENERAL REQUIREMENTS OF STUDY.—The study shall identify any problems associated with overflight by aircraft of units of the national park system and shall provide information regarding the types of overflight which may be impacting on park unit resources. The study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect such units. The study shall identify those park system units, and portions thereof, in which the most serious adverse impacts from aircraft overflight exist.

(c) SPECIFIC REQUIREMENTS.—The study under this section shall include research at the following units of the national park system: Cumberland Island National Seashore, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier National Park, and Mt. Rushmore National Memorial, and at no more than 4 additional national park system units, excluding those established by section 201 of Public Law 96-487. The research at each such unit shall provide information and an evaluation regarding each of the following:

(1) The impacts of aircraft noise on the safety of the park system users, including hikers, rock-climbers, and boaters.

(2) The impairment of visitor enjoyment associated with overflights over national park system units.

(3) Other injurious effects of flights over park system lands on the natural, historical, and cultural resources for which the park system units were established.

(4) The values of aircraft flights over park system lands in terms of visitor enjoyment, the protection of persons or property, search and rescue operations and firefighting.

Such research shall evaluate the impact of overflight by both fixed-wing aircraft and helicopters. The research shall include an evaluation of the differences in noise levels within the park system units concerned which are associated with flight by commonly used aircraft at different altitudes. The research shall apply only to overflights and shall not apply to landing fields within, or adjacent to, park system units.

(d) Report to Congress.—The Secretary of the Interior shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section. Such report shall also contain recommendations for legislative and regulatory action which could be taken regarding the effects referred to in paragraphs (1) through (3) of subsection (c). Before submission to the Congress the Secretary shall provide a draft of the report and recommendations to the Administrator of the Federal Aviation Administration for his review. The Administrator shall review such report and recommendations and notify the Secretary of any adverse effects which the implementation of such recommendations would have on the safety of aircraft operations. The Administrator shall consult with the Secretary to resolve issues relating to such adverse effects. The final report shall include a finding by the Administrator that implementation of the recommendations of the Secretary will not have adverse effects on the safety of aircraft operations, or if the Administrator is unable to make such finding, a statement by the Administrator of the reasons he believes the Secretary's recommendations will have an adverse effect on the safety of aircraft operations.

(e) FAA REVIEW OF RULES.—The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the national park system at which research is conducted under subsection (c) and in addition over any other such units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 6 months after the identification of the units of the national park system for which research is to be conducted under subsection (c), the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which is needed to implement any such changes.

(f) AUTHORIZATION.—Effective October 1, 1987, there are authorized to be appropriated such sums as may be necessary to carry out the studies and review under this section.

SEC. 2. FLIGHTS OVER YOSEMITE AND HALEAKALA DURING STUDY AND REVIEW.

(a) YOSEMITE NATIONAL PARK.—During the applicable study and review period it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude of less than 2,000 feet over the surface of Yosemite National Park. For purposes of this subsection, the term "surface" refers to the highest terrain within the park which is within 2,000 feet laterally of the route of flight and with respect to Yosemite Valley such term refers to the upper-most rim of the valley.

(b) HALEAKALA NATIONAL PARK.—During the applicable study and review period it shall be unlawful for any fixed wing aircraft or helicopter flying under visual flight rules to fly at an altitude below 9,500 feet above mean sea level over the surface of any of the following areas in Haleakala National Park: Haleakala Crater, Crater Cabins, the Scientific Research Reserve, Halemauu Trail, Kaupo Gap Trail, or any designated tourist viewpoint.

(c) APPLICABLE PERIOD.—For purposes of the subsections (a) and (b), the applicable study and review period shall be the period comprised of the time prior to the submission of the report under section 1 plus a 2-year period for Congressional review thereafter.

(d) EXCEPTIONS.—The prohibitions contained in subsections (a) and (b) shall not apply to any of the following:

(1) Emergency situations involving the protection of persons or property, including aircraft.

(2) Search and rescue operations.

(3) Flights for purposes of firefighting.

(4) Compliance with instructions of an air traffic controller.

(e) ENFORCEMENT.—For purposes of enforcement, the prohibitions contained in subsection (a) and (b) shall be treated as requirements established pursuant to section 307 of the Federal Aviation Act of 1958. To provide information to pilots regarding the restrictions established under this Act, the Administrator of the Federal Aviation Administration shall publish notice of such restrictions in appropriate Federal Aviation Administration publications as soon as practicable after the enactment of this Act.

SEC. 3. GRAND CANYON NATIONAL PARK.

(a) Noise associated with aircraft overflight at the Grand Canyon National Park is causing a significant adverse effect on the natural quiet and experience of the Park and current aircraft operations at the Grand Canyon National Park have raised serious concerns regarding public safety, including concerns regarding the safety of park users.

(b) PLAN.—

(1) SUBMISSION.—Within 30 days after the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall submit to the Administrator of the Federal Aviation Administration a final plan for the management of air traffic in the air space above Grand Canyon National Park. The plan shall provide for substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight. Except as provided in subsection (c), the plan shall contain provisions prohibiting the flight of aircraft below the rim of the Canyon, except for purposes of administration and for emergency operations.

(2) IMPLEMENTATION.—Not later than 60 days after receipt of the plan under paragraph (1) and after notice and opportunity for hearing, the Administrator shall issue regulations implementing the recommendations in the plan unless the Administrator determines that implementing the recommendations would adversely affect aviation safety. If the Administrator determines that implementing the recommendations would adversely affect aviation safety, he shall, not later than 60 days after making such determination, in consultation with the Secretary and after notice and opportunity for hearing, revise the recommendations consistent with the requirements of paragraph (1) to eliminate the adverse effects on aviation safety and issue regulations implementing the revised recommendations in the plan. In addition to the Administrator's authority to enforce such regulations under the Federal Aviation Act of 1958, the Director may enforce the requirements of the plan under such rules and regulations applicable to the units of the national park system as he deems appropriate. The Director shall consider the appropriate use of his existing authorities as they may relate to the licensing of commercial operations in connection with national park units.

(3) REPORT.—Within 2 years after the effective date of the plan required by subsection (b)(1), the Secretary shall submit to the Congress a report discussing—

(A) whether the plan has succeeded in substantially restoring the natural quiet in the Park, and

(B) such other matters, including possible changes in the plan, as may be of interest.

The report shall include comments by the Administrator regarding the effect of the plan's implementation on aircraft safety.

(c) HELICOPTER FLIGHTS OF RIVER RUNNERS.—Subsection (b) shall not prohibit the flight of helicopters—

(1) which fly a direct route between a point on the north rim outside of the Grand Canyon National Park and locations on the Hualapai Indian Reservation (as designated by the Tribe), and

(2) whose sole purpose is transporting individuals to or from boat trips on the Colorado River and any guide of such a trip.

○

STATEMENT OF SENATOR MAX BAUCUS

HEARING ON S451

COMMITTEE ON ENERGY AND NATURAL RESOURCES

MAY 7, 1987

Mr. Chairman, I am pleased to be a cosponsor of S.451. This bill directs the National Park Service to conduct a study to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System.

The bill further requires an evaluation regarding the impacts of aircraft noise on the safety of the park system users, impairment of visitor enjoyment, other injurious effects of flights, and the values of aircraft flights over park system lands. Both fixed-wing aircraft and helicopters shall be evaluated.

Low-flying aircraft over our national parks have been a concern for many years. On June 18, 1986, a heliocopter and a light plane collided over Grand Canyon National Park killing 26 people. With the increased popularity of low level tourist flights over our national parks, not only safety, but aircraft noise and other disturbances to visitors, wildlife and park staff are becoming problems that can no longer be ignored.

It has been reported that over the Grand Canyon there are about 100,000 flights per year, an average of 274 a day. On some summer days, there are more than 20 flights per hour over the South Rim of the Canyon.

Included in the areas for study is Glacier National Park. In 1984 it was announced that the Air Force wanted to establish low-flight B-52 test runs over Glacier National Park. These runs were to have taken place at altitudes as low as 500 feet and involved a 30 mile section of Glacier Park along the famous Going To The Sun Highway. Clearly, these flights could prove disruptive to the delicate habitat of Glacier Park, not to mention the disturbance to the thousands of visitors to the park each year.

When the study required in S.451 is finished we'll know the effects that low level flights have on the natural, historical and cultural resources of each park.

I believe this bill will help resolve the controversy of these types of flights over our national parks, and I urge my colleagues to join me in passing this legislation.

Senator BUMPERS. Senator Wallop, do you have an opening statement?

STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. I do, Mr. Chairman. Thank you.

Mr. Chairman, I must agree with the National Park Service and with the Federal Aviation Administration that S. 451 is flawed in who does what and to whom in the study requirement of section 1. I have problems with the method of banning air space in section 2 over Yosemite and Haleakala National Park and in section 3 with the presumptuous and unproven finding in section 3, and I quote the bill, 3(b)(1),

> The Director of the National Park Service shall submit to the Administrator of the Federal Aviation Administration a final plan for the management of air traffic in the air space above Grand Canyon National Park.

I firmly believe in the concept of one agency managing air space over the United States. Safety is not the only consideration. The right to travel is involved, and the Federal Aviation Administration should retain that management.

I am concerned with the cost of the section 1 study. The National Park Service has no in-house expertise on acoustics and no in-house expertise on air traffic management. The Federal Aviation Administration is the proper agency to do those functions. They may need a little prodding from us to do the right thing over the units of the National Park Service, and I am quite willing to help them, help guide them, in this bill, but I am opposed to giving that authority to the National Park Service. They do not want it, they do not need it, and they are not equipped to provide it.

What the National Park Service wants is less aircraft noise over the units of the system and defined flight-free zones above certain areas in certain units. For instance, by flight-free zones I mean flight free to an elevation of 14,500 above mean sea level in the areas of the Grand Canyon National Park. This may or may not be excessive, and the study can determine that.

The management of air space is a tricky and precise business. As a pilot, I want the FAA to do it. As a person interested in the National Park System, I want the National Park Service to have a voice in visitor enjoyment and resource protection.

I am concerned that general aviation may be discriminated against in the interim Special Federal Aviation Regulation. I understand that the FAA may make some adjustments to accommodate the general aviation segment.

I would hope that we can work this issue out. I recognize that Senators from the states involved support S. 451, but there is as well a national issue here which must be resolved. Let me, if I may, Mr. Chairman, just read a letter to me from the Aircraft Owners and Pilots Association.

> DEAR SENATOR WALLOP: We appreciate this opportunity to voice the interest of the 260,000 pilot members of AOPA regarding H.R. 921, a bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over National Park System units.
>
> General aviation pilots are very much aware of our obligation to minimize the noise impact of air transportation, and this is even more evident in those areas set

aside for the preservation of natural resources and national parks. We accept this responsibility and are actively working with the FAA and aviation groups to solve noise problems while at the same time insuring air safety.

We agree that the aircraft noise situation needs to be studied at certain national parks. We do not believe, however, that the National Park Service or the Secretary of Interior should make decisions on the use or designation of airspace. That authority and responsibility must remain exclusively with the FAA if air safety is to be maintained in this country.

We agree that the National Park Service must be a participant in the utilization of the airspace over park lands, but this agency simply does not have the technical or aviation resources to make airspace use decisions. The FAA cannot be preempted from airspace decisions without drastic consequences to air safety.

The Aircraft Owners and Pilots Association has been actively involved in this issue for several years. We want to seek solutions to the problem. We believe that the study requested in this legislation will be the first step. However, AOPA also believes the lead agency on airspace and airspace use designation must remain the Federal Aviation Administration.

Sincerely,

John Baker,
President, AOPA.

Thank you, Mr. Chairman.

Senator **Bumpers**. Thank you, Senator Wallop.

Our first witness this morning, who will testify on both of these bills, is Senator Matsunaga——

Senator **Hecht**. Excuse me.

Senator **Bumpers**. Oh, I am sorry, Senator Hecht. I did not see you come in.

STATEMENT OF HON. CHIC HECHT, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator **Hecht**. I promise this will just take a couple of moments.

This issue is very, very important to Nevada, especially Las Vegas, since so many tour operators are located there. It is estimated the benefits financially to Las Vegas were well over $140 million.

As I have traveled around the world in different functions of the Intelligence Committee, I am amazed how many foreign visitors come to Nevada for one purpose, and that is to take flights around Grand Canyon. Traditionally, the FAA is the only Government agency responsible for regulating the airspace.

I am happy to be a part of these hearings today, but I want it quite understood that I am very, very much in favor of continuing these flights.

Senator **Bumpers**. Thank you, Senator Hecht.

Senator Matsunaga.

STATEMENT OF HON. SPARK M. MATSUNAGA, A U.S. SENATOR FROM THE STATE OF HAWAII

Senator **Matsunaga**. Mr. Chairman, relative to procedure, do you wish me to testify on the Peace Garden first or on the——

Senator **Bumpers**. Do you have two separate statements, Senator Matsunaga?

Senator **Matsunaga**. Yes, I do.

Senator **Bumpers**. I think it would be appropriate, based on the agenda I have, if you testified first on S. 261.

Senator MATSUNAGA. Fine. Thank you very much, Mr. Chairman.

I wish to thank the Members of the Subcommittee for scheduling early hearings on S. 261, a bill which provides for the establishment of a Peace Garden in the Nation's Capital. As a former member of the Committee and this Subcommittee, I know what a big workload this Subcommittee has, and that makes me all the more appreciative.

The proposed Peace Garden would greatly enhance our Nation's beautiful capital city and would help reinforce our Nation's longstanding commitment to world peace. I first became interested in this particular legislation last year when I learned that a bill to create a Peace Garden was on the verge of passing the House of Representatives. Time did not permit me to introduce legislation in the Senate prior to the adjournment of the 99th Congress, but I did introduce the measure on the first day of the 100th Congress.

S. 261 now has five co-sponsors, including Senators Cranston, Wilson, Metzenbaum, Rockefeller and myself. An identical House bill, H.R. 191, introduced by Congressman George Miller of California, passed the House on March 10 of this year. The measure also has the support of the administration.

The provisions of S. 261 are simple and straightforward. First, it authorizes the establishment of a Peace Garden in the District of Columbia on a site selected by the Secretary of the Interior subject to the approval of the Commission on Fine Arts and the National Capital Planning Commission.

Second, the bill provides that design, construction and maintenance of the Peace Garden will be undertaken by the Peace Garden Project, Incorporated, a private nonprofit corporation chartered in the State of California.

Third, the Peace Garden Project, Incorporated will raise private funds for the task. The garden will not cost the American taxpayer a penny. In fact, the bill specifically prohibits the U.S. Government from paying any expenses connected with construction of the garden.

Since the founding of our country more than 200 years ago, Americans have been a peace-loving people. It seems to me entirely appropriate that we should have a garden dedicated to the ideal of peace here in the Nation's Capital, a place of serenity and beauty for contemplation and meditation on the attainment of humanity's highest yet most elusive goal.

For these reasons, Mr. Chairman and Members of the Subcommittee, I urge that S. 261 be given your early and favorable consideration.

Now, if I may proceed to S. 451, Mr. Chairman, again I thank you for this early hearing on a measure which I introduced earlier this year and which is co-sponsored by Senator McCain, who will also be testifying today, and Senators Inouye, Baucus, Chafee, Cranston, Wilson, Burdick, and by several Members of the Subcommittee and full Committee, including Senators Metzenbaum, Melcher, Bradley, Wirth and Evans. In view of the urgency of the situation, I very much appreciate your quick and early consideration of this bill.

As you know, the House passed a similar bill on Monday. Mr. Chairman, each year hikers, campers, tourists and other visitors to many of our national parks find their expectations of natural solitude and ineffable beauty shattered by the roar of prop washes and the sight of low-flying helicopters and airplanes zooming in, out and over picturesque lakes, valleys, forests and mountains.

Esthetics aside, these aerial incursions pose a very real safety hazard not only to the ground visitors but to aircraft operators and passengers as well. The recent collision between a plane and helicopter in the Grand Canyon is a tragic example.

In my own State of Hawaii, the fatal 1985 commercial tour helicopter crash near the summit of Haleakala, only 200 yards outside the national park and only a third of a mile from two heavily used visitor centers, is another.

Unfortunately, despite the growth in air tour traffic and the growth in the number of visitors through our national parks, neither the esthetic nor the safety aspects of low-altitude aerial incursions over our national parks have resulted in appropriate action by the two agencies with jurisdiction in the matter, the Department of the Interior and the Federal Aviation Administration.

S. 451 addresses the administration's reluctance or inability to act by providing for three things. One, it would require the Department of Interior to conduct a three-year study in conjunction with the FAA to determine appropriate criteria and procedures for allowing aircraft to fly over national parks. The study would distinguish among the effects caused by commercial, general, sightseeing and military aircraft.

In addition, the legislation would require a thorough research program at not more than 10 parks, including Cumberland Island National Seashore, Glacier National Park, Yosemite National Park, Haleakala National Park, Hawaii Volcanoes National Park, and Mount Rushmore National Memorial Park.

Two, it would require that within six months of final designation of the 10 designated parks the FAA issue a separate study of current FAA rules and regulations, including recommendations for regulatory and legislative actions necessary to improve aviation safety over the parks.

Third, the legislation would establish interim minimum flight levels for aircraft at two national parks, Yosemite and Haleakala, and permanently enjoin below-the-rim flights in Grand Canyon National Park.

Mr. Chairman, although for the most part I have heard nothing but support for this bill, some criticism has been raised against it, the most serious being that it will allow the Park Service to regulate airspace, infringing on what is FAA's sole and existing authority to issue and enforce airspace regulations.

Nothing could be further from the truth. The essence of this bill is cooperation. We simply wish to give the Park Service some statutory role in helping the FAA develop plans that would mitigate the environmental and safety effects of low-flying aircraft. I think it is reasonable to assume that the Park Service, which is charged with protecting our national parks and promoting traditional park values, cannot do its job properly without being empowered to contribute to the formulation of plans with which to manage low altitude traffic above the parks.

Mr. Chairman, I realize that there may be concerns over the jurisdictional issue as it relates to the Grand Canyon. Particularly at issue is the fact that the bill, as written, requires the Secretary of the Interior to develop a final air traffic management plan for the Grand Canyon, after which it is to be submitted to and implemented by the FAA unless it adversely affects aviation safety.

The intent of the bill is not to exclude FAA but rather to include the Interior Department in the development of an aircraft management plan, thereby injecting park values into the process as well as avoiding unnecessary delays caused by jurisdictional disputes. This specific phrase is applied only to the Grand Canyon, because that park currently suffers more than any other park from the lack of air traffic management plan. As such, it is the centerpiece of the legislation, a test case to insure that issues of environmental integrity are addressed in this and, therefore, in subsequent cases.

Mr. Chairman, I have talked at length about the needs for the bill in general and some of the jurisdictional issues, particularly as they relate to the Grand Canyon. I will defer to my distinguished colleagues from Arizona, Senators McCain and DeConcini, as to the specific problems faced by visitors to the Grand Canyon.

Now, I would now like to dwell a little upon the parks in Hawaii. Now, every year more and more visitors from the mainland and abroad come to enjoy Hawaii's two magnificent national parks, Haleakala on Maui and the Hawaii Volcanoes Park on the Big Island.

Last year, almost three million visitors enjoyed the parks, and this number is expected to increase significantly in the coming years. In the past decade, however, as the number of visitors has arisen, so has the number of sightseeing aircraft operations, particularly on the islands of Kauai, Maui, and Hawaii.

Approximately a year ago, there were only 13 helicopter tour companies and 40 helicopters in the state. Today, just a little over a year now, there are 25 tour helicopter companies and 100 helicopters. As a consequence, many of the visitors to Hawaii's parks have their enjoyment ruined by the increasingly frequent sight and sound of low-flying aircraft making nerve-shattering aerial runs over and through the parks.

The FAA has attempted, unsuccessfully, to address this problem by promulgating an advisory to pilots to fly at least 2,000 feet above all national park units, wildlife refuges and the wilderness areas. However, the advisory is purely voluntary and unenforceable and certainly has had little effect on limiting low level flights over Haleakala and Hawaii Volcanoes.

At Haleakala, many of the park's 1.3 million visitors come to view its main attraction, Haleakala Crater, the so-called House of the Sun, which stands some 10,000 feet above the Pacific Ocean, and the lower levels of the crater can only be reached after hours of strenuous hiking. The journey is well worth the effort, as anyone who has actually ever seen the 3,000 feet deep, seven mile wide crater can attest. The frustration and anger visitors feel when they are greeted by the sight and sound of helicopters racing around the crater can be readily imagined.

A poll conducted by two University of Hawaii students recently showed that 70 percent of 44 hikers questioned in the crater backcountry had come to the park for silence and solitude. Without prompting, 41 percent "found the presence of tourist helicopters to be the worst part of their park experience."

The pollsters also reported that 34 or more commercial tour flights enter Haleakala Crater on any given day, which translates into something on the order of a flight every 15 minutes or so. Of these, Park Service personnel estimate that approximately 20 percent fly between 30 and 500 feet above the ground.

The situation at Hawaii Volcanoes Park, which currently accommodates 1.5 million visitors annually, is similar and almost as serious.

The situation on Kauai, my home island, is similar to if not worse than on Maui and the Big Island. Although it has no national park, Kauai is home to state preserves, including the Na Pali coast and Waimea Canyon, both of which are big tourist attractions and suffer from numerous low-level aerial incursions.

Kauai currently has 51 helicopters which, at eight to 10 flights a day, will make 146,000 flights this year. This is an increase from 60,000 flights a little more than a year ago. My office continuously receives complaints about these flights.

Mr. Chairman, judging from Hawaii's experience, the level of environmental degradation caused by low-flying aircraft in our national parks and other protected areas is in itself cause for urgent consideration of this bill, and given the lack of aviation control over Haleakala and Hawaii Volcanoes National Parks, it can be a matter of time only before they experience tragic and perhaps unnecessary accidents.

Furthermore, I am convinced of the need for corrective legislation by reports of low-level aircraft endangering park personnel and visitors as well. Reports of helicopters buzzing ground visitors and park personnel are not uncommon. Why they do it, we never know, but in one such instance a park keeper was thrown off his horse when the horse reared, and such injuries, of course, are inevitable when low-flying helicopters zoom over hikers and park users.

Mr. Chairman and Members of this Committee, I thank you again for this opportunity to speak on this matter of great importance not to Hawaii only but to all states. S. 451 is an important step to address a problem which must be dealt with as soon as possible to avoid further accidents and continued degradation of our national parks. I ask your favorable report.

Mr. Chairman, I ask unanimous consent that the complete text of my statement appear in the record as though presented in full.

Senator **Bumpers**. It will be admitted.

[The prepared statement of Senator Matsunaga follows:]

STATEMENT IN SUPPORT OF S. 261, A BILL TO AUTHORIZE THE
ESTABLISHMENT OF A PEACE GARDEN IN THE NATION'S CAPITAL
BY U. S. SENATOR SPARK MATSUNAGA OF HAWAII
Before the Subcommittee on Public Lands and National Parks
Committee on Energy and Natural Resources
SD-366 Dirksen Senate Office Building
Washington, D. C.
Thursday, May 7, 1987 - 10:00 a.m.

Mr. Chairman, first of all, let me thank you and the members of the Subcommittee for scheduling these timely hearings on S. 261, a bill which provides for the establishment of a Peace Garden in the nation's capital. As a former member of the Committee and this Subcommittee, I know what a big workload the Subcommittee has, and that makes me all the more appreciative.

The proposed peace garden would greatly enhance our nation's beautiful capital city and would help reinforce our nation's longstanding commitment to world peace. I first became interested in this particular legislation last year when I learned that a bill to create a peace garden was on the verge of passing the House of Representatives. Time did not permit me to introduce legislation in the Senate prior to the adjournment of the 99th Congress, but I did introduce the measure on the first day of the 100th Congress. S. 261 now has five cosponsors, including Senators Cranston, Wilson, Metzenbaum, Rockefeller and myself. An identical House bill, H.R. 191, introduced by Congressman George Miller of California, passed the House on March 10, 1987. The measure also has the support of the Administration.

The provisions of S. 261 are simple and straightforward. First, it authorizes the establishment of a peace garden in the District of Columbia on a site selected by the Secretary of the Interior, subject to the approval of the Commission on Fine Arts and the National Capital Planning Commission; second, the bill provides that design, construction and maintenance of the peace garden will be undertaken by the Peace Garden Project, Inc., a private, nonprofit corporation chartered in the State of California; and third, that the Peace Garden Project, Inc. will raise private funds for the task.

The garden will not cost the American taxpayer a penny. In fact, the bill specifically prohibits the U.S. government from paying any expenses connected with construction of the garden.

Since the founding of our country more than 200 years ago, Americans have been a peace loving people. It seems to me entirely appropriate that we should have a garden dedicated to the ideal of peace here in the Nation's capital -- a place of serenity and beauty for contemplation and meditation on the attainment of humanity's highest, yet most elusive goal. For these reasons, Mr. Chairman and members of the Subcommittee, I urge that S. 261 be given your early and favorable consideration.

Thank you very much.

STATEMENT IN SUPPORT OF S. 451, THE PARK OVERFLIGHTS BILL

By Senator Spark M. Matsunaga
Before the Subcommittee on
Public Lands, National Parks, and Forests
Committee on Energy and Natural Resources
SD-366 Dirksen Senate Office Building
Washington, D. C.
Thursday, May 7, 1987 - 10:00 a.m.

Mr. Chairman and members of the Subcommittee, thank you for allowing me to testify on S. 451, a measure I introduced earlier this year, and which is cosponsored by Senator McCain, who will also be testifying today, Senators Inouye, Baucus, Chafee, Cranston, Wilson, and Burdick, and by several members of the Subcommittee and the full Committee, including Senators Metzenbaum, Melcher, Bradley, Wirth, and Evans. In view of the urgency of the situation, I very much appreciate your quick consideration of this bill. As you know, the House passed a similar bill on Monday by voice vote.

Mr. Chairman, each year hikers, campers, tourists, and other visitors to many of our national parks find their expectations of natural solitude and ineffable beauty shattered by the roar of prop washes and the sight of low-flying helicopters and airplanes zooming in, out, and over picturesque lakes, valleys, forests, and mountains. Esthetics aside, these aerial incursions pose a very real safety hazard, not only to the ground visitor, but to the aircraft operator and passengers. The recent collision between a plane and helicopter in the Grand Canyon is a tragic example. And in my own state of Hawaii, the fatal 1985 commercial tour helicopter crash near the summit of Haleakala, only 200 yards outside the national park and only a third of a mile from two heavily used visitor centers, is another. Unfortunately, despite the growth in air tour traffic and the growth in the number of visitors to our national parks, neither the esthetic nor the safety aspects of low-altitude aerial incursions over our national parks have resulted in appropriate action by the two agencies with jurisdiction in the matter, the Department of the Interior and the Federal Aviation Administration (FAA).

S. 451 addresses the Administration's reluctance or inability to act by providing for three things: First, it would require the Department of the Interior to conduct a three-year study, in conjunction with the FAA, to determine appropriate criteria and procedures for allowing aircraft to fly over national parks. The study would distinguish among the effects caused by commercial, general, sightseeing, and military aircraft. In addition, the legislation would require a thorough research program at not more than 10 parks, including Cumberland Island National Seashore, Glacier National Park, Yosemite National Park, Haleakala National

Park, Hawaii Volcanoes National Park, and Mount Rushmore National Memorial.

Second, it would require that within six months of final designation of the 10 specified parks, the FAA issue a separate study of current FAA rules and regulations, including recommendations for regulatory and legislative actions necessary to improve aviation safety over the parks.

Third, the legislation would establish interim minimum flight levels for aircraft at two national parks, Yosemite and Haleakala, and permanently enjoin below-the-rim flights in Grand Canyon National Park.

Mr. Chairman, although for the most part I have heard nothing but support for this bill some criticism has been raised against it, the most serious being that it will allow the Park Service to regulate airspace, infringing on what is FAA's sole and existing authority to issue and enforce airspace regulations. Nothing could be further from the truth. The essence of this bill is cooperation. We simply wish to give the Park Service some statutory role in helping the FAA develop plans that would mitigate the environmental and safety effects of low-flying aircraft. I think it is reasonable to assume that the Park Service, which is charged with protecting our national parks and promoting traditional park values, cannot do its job properly without being empowered to contribute to the formulation of plans with which to manage low-altitude traffic above the parks.

Mr. Chairman, I realize that there may be concerns over the jurisdictional issue as it relates to the Grand Canyon. Particularly at issue is the fact that the bill, as written, requires the Secretary of the Interior to develop a final air traffic management plan for the Grand Canyon, after which it is to be submitted to and implemented by the FAA unless it adversely affects aviation safety. The intent of the bill is not to exclude FAA but rather to include the Interior Department in the development of an aircraft management plan, thereby injecting park values into the process, as well as avoiding unnecessary delays caused by jurisdictional disputes. This specific phrase is applied only to the Grand Canyon because that park currently suffers more than any other park from the lack of an air traffic management plan. As such, it is the centerpiece of this legislation--a test case to ensure that issues of environmental integrity are addressed in this and therefore in subsequent cases. For if the Department of the Interior and the National Park Service cannot obtain meaningful restrictions on air traffic in the Grand Canyon, Congress will have to revisit this issue again and again in the future.

Mr. Chairman, I have talked at length about the need for the bill in general and some of the jurisdictional issues, particularly as they relate to the Grand Canyon. I will defer to my distinguished colleagues from Arizona, Senator McCain and Senator DeConcini, as to the specific problems faced by visitors to the Grand Canyon. I would now like to take a moment to reflect on the situation in Hawaii, with which I am more familiar.

Mr. Chairman, Hawaii's volcanic origin and geographic location have provided the Aloha State with spectacular scenery and a unique habitat. Every year, more and more visitors from the mainland and abroad come to enjoy Hawaii's two magnificent national parks, Haleakala on Maui and Hawaii Volcanoes Park on the Big Island. Last year, almost three million visitors enjoyed the parks, and this number is expected to increase significantly in the coming years.

In the past decade, however, as the number of visitors has risen, so has the number of sightseeing aircraft operations, particularly on the islands of Kauai, Maui, and Hawaii. Approximately a year ago, there were 13 helicopter tour companies and 40 helicopters in the state; today there are 25 tour helicopter companies and 100 helicopters. As a consequence, many of the visitors to Hawaii's parks, have their enjoyment ruined by the increasingly frequent sight and sound of low-flying aircraft, making nerve-shattering aerial runs over and through the parks.

The Federal Aviation Administration has attempted unsuccessfully to address this problem by promulgating an Advisory to pilots to fly at least 2,000 feet above all national park units, wildlife refuges, and wilderness areas. However, the Advisory is purely voluntary and unenforceable, and certainly has had little effect on limiting low-level flights over Haleakala and Hawaii Volcanoes.

At Haleakala, many of the park's 1.3 million visitors come to view its main attraction, Haleakala Crater, the "House of the Sun," which stands some 10,000 feet above the Pacific Ocean. The lower reaches of the crater can only be reached after hours of strenuous hiking. The journey is well worth the effort, as anyone who has actually seen the 3,000-foot deep 7-mile wide crater can attest. The frustration and anger visitors feel when they are greeted by the sight and sound of helicopters racing around the crater can be readily imagined. A poll conducted by two University of Hawaii students, showed that 70% of 44 hikers questioned in the crater backcountry had come to the park for silence and solitude; without prompting, 41% "found the presence of tourist helicopters to be the worst part of their park experience." The pollsters also reported that 34 or more commercial tour flights enter Haleakala Crater on any given day, which translates into something on the order of a flight every fifteen minutes or so. Of these, Park Service personnel estimate that approximately 20% fly between 30 and 500 feet above the ground.

The situation at Hawaii Volcanoes Park, which currently accommodates 1.5 million visitors annually, is similar and almost as serious. While at present there are over 10 tour helicopters operating on the Big Island, most of them making several daily flights over the park backcountry, this number is sure to grow considerably, especially during the next volcanic eruption cycle.

The situation on Kauai, the "Garden Island," is similar to, if not worse than, that on Maui and the Big Island. Although it has no national park, Kauai is home to state preserves, including the Na Pali coast and Waimea Canyon, both of which are big tourist attractions and suffer from numerous low-level aerial incursions. Kauai currently has 51 helicopters which, at 8 to 10 flights a day, will make 146,000 flights this year; this is an increase from 60,000 flights a little more than a year ago. My office has received an increasing number of complaints as the level of tourist flights has risen.

Mr. Chairman, judging from Hawaii's experience, the level of environmental degradation caused by low-flying aircraft in our national parks and other protected areas is in itself cause for urgent consideration of this bill. However, there is an even more pressing reason for its passage: safety. From January 1985 to May 1986, there were 17 helicopter crashes in 17 months, with four deaths involved. In the last 13 months, there have been 11 helicopter crashes. In 1987, there have been three crashes resulting in three deaths, including the crash of a tour helicopter off the northern coast of the Big Island only last Sunday. Just two weeks ago, a light tour plane crashed into an arm of Waimea Canyon on Kauai, killing all four people on board. Along with others, such as my colleague on the House side, Congressman Daniel Akaka, and members of the State Helicopter and Tour Aircraft Advisory Board, I am convinced that low-altitude flying played a part in many of these accidents.

Given the lack of aviation control over Haleakala and Hawaii Volcanoes national parks, it can only be a matter of time before they too experience tragic, and perhaps unnecessary, accidents. In fact, they have already occurred. At the beginning of my statement, I mentioned the fatal 1985 crash on the summit of Haleakala Crater, which by chance occurred only a few hundred yards outside the boundaries of the park. Hawaii Volcanoes National Park in the early 1970s experienced the fatal crash of a tourist plane; subsequently, in January 1985, a 6-person commercial tour helicopter crashed on top of Mauna Kea; fortunately, no one was seriously injured in that accident.

Furthermore, I am also convinced of the need for corrective legislation by reports of low-level aircraft endangering park personnel and visitors. Reports of helicopters buzzing ground visitors and park personnel are not uncommon. One such incident resulted in a broken arm to a park ranger when his horse shied on seeing an extremely low-flying helicopter. Such injuries suggest the inevitability of fatalities because helicopters flying at low altitudes cannot be maneuvered quickly enough to avoid park personnel, hikers, or other park users.

Mr. Chairman, members of the Committee, thank you again for this opportunity to speak on this matter of great importance not only to Hawaii but to all the states. S. 451 is a small but important step toward addressing a problem which must be dealt with as soon as possible to avoid further accidents at, and continued degradation of, our national parks. I urge your favorable report.

# # #

Senator BUMPERS. Senator Matsunaga, thank you very much for a thorough and detailed analysis of both bills and also for your comprehensive descriptions of the problems in your home state in those parks.

Our next witness is Senator DeConcini from Arizona. Senator DeConcini, please proceed.

Gentlemen, let me say that it is always appropriate to summarize your statements in this Committee if you like.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. I will attempt to do that. I will have a more lengthy statement to follow which I will not go into this morning.

I am pleased to have the opportunity, Mr. Chairman, to be here today. Along with Mr. McCain, I have the distinct honor of representing the Grand Canyon State. This legislation is particularly important to our constituents. I am confident, Mr. Chairman, that with your leadership and this Committee, you will recommend a bill that truly resolves the conflict that now exists in our national parks between aircraft and others uses.

I want to comment briefly on specific portions of S. 451 as it relates to the Grand Canyon. I have had the opportunity to witness the grandeur of the Canyon in almost every conceivable way, rafting down the river, walking down, going on burros, going in fixed and rotary aircraft. From my own personal experience, though spectacular, one cannot fully experience the Canyon without going into it, although I must say that even looking at it on the rim is quite spectacular.

Many in our society do not possess the physical capabilities or the time to enjoy the Canyon by hiking or rafting within it. Mr. Chairman, over 2.5 million people visited the Grand Canyon National Park last year. About 250,000 people per year hike the corridors of the Canyon. About 3,000 to 6,000 per year hike the remote backcountry, as it is known, and about 350,000 to 400,000 per year tour the Canyon from fixed wing and helicopters.

Air tours are not something that is new in the Canyon. It has been going on for 60 years. My position is simply, Mr. Chairman, that this Canyon, over 200 miles long, ought to be able to accommodate what people want to get out of it, and that is a quiet area, one that will be uninterrupted but also permit people to have a different viewing platform.

The Grand Canyon is a multiuse area. It is not a wilderness. Nonetheless, it is clear to me that conflicts exist between the aviation use of the Canyon and the individuals who cherish the solitude of this magnificent giant.

I understand and appreciate the feelings and emotions of those who treasure this natural quiet, and I frankly agree that it should not be spoiled by the noise of helicopters and fixed wing aircraft, and that we in Congress need to take appropriate timely steps to resolve the conflict.

In my opinion, the best method to do this is to identify noise sensitive areas and prohibit aircraft from entering those zones. The Park Service, as part of their Congressional mandate, has already undertaken studies of noise sensitive areas and has identified these areas.

I would like to refer to the map here, the darker gray areas. Mr. Chairman, the first one on the right, the area extending across the main part of the Grand Canyon between Grand Canyon Village on the south rim and Grand Canyon Lodge on the north rim, that pie-shaped one that extends here on the right side, that is a large piece of canyon where the multitude of people hike and into which the burros and other means of transportation go.

Of course, rafting the Canyon, you can go down the entire Canyon.

The area around Desert View which is designated over here on the far right, the area surrounding Thunder River Falls and Deer Creek Falls, which is in the middle, and the area around Toroweep Point and the area of Point Imperial at the eastern end of the north rim.

The Park Service also recommends modifying the zones on a seasonable basis. In the summer periods, the flight-free areas would be reduced to the size that is recommended right there. Mr. Chairman, I think that is reasonable. Obviously the airplane and helicopter people would like the right to penetrate into those areas, but there is ample space in that Canyon for them to take their viewers of the Canyon.

You can seek with this type of plan the vast majority of the Grand Canyon would, in essence, be free where people go for the use. I strongly feel that this is a real solution to the problem of aviation versus nonaviation use.

Similarly, the provisions of the bill that eliminate aircraft flight below the rim does not address the real problem. Aircraft congestion and noise could possibly cause additional safety problems if we are not very careful with this legislation. Separation by altitude has always been a tool of air traffic managers to keep aircraft apart, thereby prohibiting or restricting and hopefully eliminating collisions.

The concentration of aircraft at the rim level could potentially increase the possibility of such collisions. At some locations within the park, Mr. Chairman, the rim level is 8,500 feet. Aircraft at 10,000 feet are required to have oxygen and pressurized cabins, neither of which are possessed by the air tour operators. At 13,000 feet commercial airline routes begin. As you can see, there would only be about 1,500 feet of a so-called window within which air tours could operate at certain areas within the park.

Also, the elevation of the rim varies to such a degree that eliminating aircraft flights below the rim would mean that in some areas of the Canyon the altitude at which aircraft could fly could range from 8,500 feet at points on the north rim to 6,500 feet at the Grand Canyon Village, which is the south rim.

Establishing one minimum altitude primarily for safety reasons would, in my opinion, eliminate potential confusion among operators.

Now, putting safety aside, Mr. Chairman, I am going to ask that the balance of my statement be submitted. It deals with the noise problem, and I ask the Committee to carefully review the proposition. I submit to you it is not one that I dreamt up but one that experts have worked on as to compression of noise.

I thank the Chairman for the consideration that you have given me and the members of the Committee, and I truly hope that we can continue to have this great natural resource available to all who want to visit it and so that each person in their own way can enjoy it. It is big enough, Mr. Chairman. It is not seven miles across, as the Senator from Hawaii points out the problem that they have. This can be worked out if the Committee, and I am sure they will, will look at it realistically, considering everyone's concern.

Thank you, Mr. Chairman.

[The prepared statement of Senator DeConcini follows:]

STATEMENT BY DENNIS DECONCINI
PUBLIC LANDS SUBCOMMITTEE HEARING
S.451, LEGISLATION TO MANAGE AIRCRAFT OVER OUR NATIONAL PARKS
MAY 7, 1987

Mr. Chairman:

I am pleased to have the opportunity to offer the committee my thoughts regarding the pending legislation to regulate the airspace over our national parks. I have the distinct honor of representing the Grand Canyon State and this legislation is of particular concern to my constitutents. I am confident, Mr. Chairman, that under your leadership the committee will recommend a bill to the full body that truly resolves the conflicts that now exist in our national parks between aircraft and other uses.

I would like to comment briefly on specific portions of S. 451 relating to the Grand Canyon. I have had the opportunity to witness the grandeur of the Canyon in almost every conceivable fashion. I have hiked within its massive walls and, I have rafted the Colorado River. I have riden burros down and back, and I have flown the canyon in both fixed and rotor winged aircraft. From my own personal experience, though spectacular, one fact is clear to me: one cannot fully experience the Canyon by merely driving it from rim lookout to lookout. However, I must say even that is spectacular. That is why I have never supported a total prohibition of aircraft operations in and around the Canyon. Many in our society do not possess the physical capabilities or the time to enjoy the

Canyon by hiking or rafting within it. Therefore, I believe that aircraft are a legitimate viewing platform from which to appreciate the Canyon.

Nonetheless, it is clear to me that a conflict does indeed exist between the aviation uses of the Canyon and the individuals who cherish the solitude of this magnificent giant. I understand and appreciate the feelings and emotions of those who treasure this natural quiet. I frankly agree that it should not be spoiled by the noise of helicopters and fixed wing aircraft, and that we, in Congress, need to take appropriate and timely steps to resolove this conflict.

In my opinion, the best method to do this is to identify noise sensitive areas and prohibit aircraft from entering those zones. The Park Service, as part of their congressional mandates, has already undertaken studies of noise sensitivity and has identified areas that should be considered flight-free zones. **(refer to the maps at this time)**

(a) The area extending across the main part of the Grand Canyon between Grand Canyon Village on the South rim and Grand Canyon Lodge on the North Rim.

(b) The area around Desert View.

(c) The area surrounding Thunder River Falls and Deer Creek Falls.

(d) The area around Toroweep Point.

(e) The area Point Imperial at the Eastern end of the North Rim.

The Park Service also recommends modifying the zones seasonally. In the summer periods, the flight-free areas would be reduced in that the numbers of back country users are diminished as a result of the hot weather, while at the same time, it is the peak season for the air tour operators. You can see, with this type of plan, the vast majority of the Grand Canyon would in essence be free from flights. The legislation in this respect would mandate that the FAA and the Park Service work together to develop a plan that would incorporate these findings. I strongly feel that this is the real solution to the problem of aviation versus nonaviation uses.

Similarly, the provision of the bill that eliminates aircraft flights below the rim does not address the real problem--aircraft congestion and noise--and could possibly cause additional safety problems. Separation by altitude has always been a tool of air traffic managers to keep aircraft apart thereby preventing collisions. The concentration of aircraft at the rim level could potentially increase the possibility of a collision. At some locations within the Park, the rim level is at 8500 feet MSL. Aircraft at 10,000 feet MSL are required to have oxygen and pressurized cabins, neither of which are possessed by the air tour operators. At 13,000 feet MSL, commercial airline routes begin. As you can see, there would only be about a 1,500-foot "window" within which air tours could operate at certain areas within the Park. Also, the elevation of the rim varies to such a degree that eliminating aircraft flights below the rim would mean that in some areas of the Canyon, the altitudes at which aircraft could fly would range from 8,500 feet at points on the North Rim to 6,500 feet MSL at the Grand Canyon Village. Establishing one minimum altitude primarily for safety reasons would, in my opinion, eliminate potential confusion among operators.

Putting, the safety concerns aside for a moment, raising aircraft well above the rim does not necessarily resolve the noise issue and in fact could exacerbate the situation. With the Chairman's indulgence, I would like to bring to the Committee's attention an elemental physics conept--the inverse square law. As you double the distance between a radiating energy source (aircraft) the area covering the energy (noise) quadruples while the intensity is reduced to one fourth. The higher you raise aircraft the more area is covered by the sound of the aircraft, albeit at a reduced intensity. I am not sure whether this is really solving the problem or not. I am inclined to think not.

I hope the bill will clearly recognize the expertise of the FAA in regulating airspace. I would recommend to the Committee that language be included in the bill which gives the FAA the authority to define the Canyon rim. With this change, I would be supportive of the legislation.

Mr. Chairman, I appreciate the efforts of yourself and the other members of the Committee to tackle this important legislation. I think we now have the opportunity to fashion a reasonable and workable solution to ultimately resolve this long standing conflict. I hope that the committee takes into consideration my thoughts on this most important topic of concern in my home state. This controversy has continued for too long and because of the lack of leadership from the Department of the Interior on the management of aircraft over the Grand Canyon, I believe legislation is the only solution.

Thank you, Mr. Chairman.

Senator BUMPERS. Thank you, Senator DeConcini.
Senator McCain.

STATEMENT OF HON. JOHN McCAIN, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator McCAIN. Thank you, Mr. Chairman. I also request that my statement be made part of the record. I realize that you have a very heavy agenda this morning, and I will try to be as brief as possible, but I think it is important to cover a few very basic points here.

Mr. Chairman, if I sound a little frustrated I hope you will understand. I have been working on this issue for about three years now. Last year this bill passed the House overwhelming, 400 plus votes to 12, I think. This year it was passed by voice vote in the House of Representatives, and I really believe that it is time that the United States Senate acted. Otherwise, as I will illustrate, we are in danger not only of further degradation of our park system, we are in danger of the needless loss of lives due to midair collisions within the Grand Canyon.

I would also like to respond, if I could, to two concerns raised by my colleague from Wyoming and by my colleague from Nevada. First of all, as far as the role of the FAA and the Park Service is concerned, this is a partnership, Mr. Chairman. I do not expect the FAA to understand the unique requirements of the Grand Canyon, just as I do not expect the Park Service to understand the unique requirements of aviation safety.

That is why I think it is entirely appropriate that the Park Service develop a plan and the FAA be able to embroider, improve or change that plan in keeping with their specific responsibilities, and that is aviation safety.

To set up a straw man that somehow the National Park Service is not qualified to play a role in the decisions which lead to the regulation of flights over the Grand Canyon I think is inaccurate because the FAA is not qualified to judge what areas of the Grand Canyon. As my colleague, Senator DeConcini, has pointed out, and I am deeply appreciative of his involvement in this issue for many years, they do not know what areas of the Grand Canyon should be kept in a quiet area and those that should, indeed, be traffic aircraft.

Let me also point out to my colleague and friend from Nevada, there is nothing in this bill, I would say to you, that will ever prohibit flights over the Grand Canyon. I do not believe that there is any way that this bill could be construed as impacting the air tour industry.

Also, I would like to remind my friend from Nevada that we regulate everything in our Grand Canyon. We regulate hikers, we regulate rafters, we even regulate whether dogs can come into the Grand Canyon or not. I think it is entirely appropriate that we also regulate the aircraft traffic above and around and in our Grand Canyon as well as the other great natural beauties of our Nation.

Please be assured that I do not believe that there is anything in this legislation which I have been intimately involved in which will somehow destroy the air tour industry in Las Vegas or Salt Lake

City or any other part of our Nation. At the same time, they should submit the regulation just as every other activity in our parks are, because we have an obligation to not only this generation but to future generations of Americans who will enjoy this great natural beauty.

I would also like to point out, Mr. Chairman, Senator DeConcini and I do represent the Grand Canyon State. I think we have and should play a major role in the formulation of this legislation. I also understand, however, as Senator Wallop pointed out, that this is a national treasure, not a State treasure, and I welcome your involvement and the other Members of this Committee.

Let me just make a couple of additional points, if I may. One is that the National Transportation Safety Board report concerning last summer's crash is important. This report clearly pointed out that an ad hoc aircraft management plan was a bad idea, and I conclude from this report that such a plan must be devised, implemented and enforced by the Federal Government.

One year prior to the accident that took place, the National Park Service planners in the Grand Canyon issued the following statement. This is one year before the midair collision that took 25 lives. "The mixture over Grand Canyon of numerous scheduled air tour operator flights with randomly flying recreational pilots creates a high possibility of midair collisions," and they were right. We had one.

Additionally, following the 1984 crash involving 10 deaths, the National Transportation Safety Board called on the FAA to control sightseeing flights over the Grand Canyon. I believe that this aircraft management plan must be instituted.

I would also like to add another crucial part of this plan. Not only should there be flight-free zones, Mr. Chairman, but there should also be routes for those aircraft to fly over the Canyon. Thereby, in my opinion, we would designate routes which the FAA, I understand, is in the process of developing.

I would also like to recognize that the FAA has taken some action, but I believe that this issue of altitudes is one which we still need to resolve, which we will probably resolve and need to be addressing in the future. I believe that flights below the rim of the Canyon in the opinion of most safety experts increases the likelihood of midair collisions, and I think that has to be an important aspect of our deliberations here.

Let me remind you again, Mr. Chairman, the Grand Canyon is 275 miles long and in some places 22 miles wide. We can accommodate air tours and flights for Americans who are incapable of seeing the Grand Canyon and enjoying it because of age or disabilities or other reasons. At the same time, we have an obligation, I believe, to preserve the pristine beauty and only the enjoyment that you can achieve from this great natural beauty by protecting it in the fashion which I believe this legislation will do.

Let me just ask this question, Mr. Chairman. If we fail to take the steps necessary to retain the fundamental essence of the Grand Canyon, its beauty, its splendor, the timeliness and solitude, what does that say of our commitment to lesser but equally important parts of the world's park system?

Mr. Chairman, I appreciate your involvement. I appreciate Senator Matsunaga's and Senator DeConcini's commitment to this very important issue, in my opinion, and I thank you for your time.

[The prepared statement of Senator McCain follows:]

Statement of the Honorable John McCain on S.451
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands
May 7, 1987

Mr. Chairman:

I would like to express my appreciation to you and the Committee for taking up this issue. A successful resolution of it will require a careful balancing of interests and a journey into uncharted territory. As you probably know, I am a strong supporter of S. 451, which calls for a study of aircraft overflights of our national parks. I believe this is a unique opportunity for Congress to act prospectively, to establish a policy to deal with a set of circumstances before, for the most part, a crisis situation develops.

Our National Park System, especially our western parks, used to be self-regulating by the very nature of their isolation. However, increasingly, they are losing their isolation. Be it the Interstate Highway System or aircraft tours, our parks are under increasing pressure. This pressure requires a balancing of interests. The needs of the day visitor, the extended backcountry user, and everybody in between must be harmonized. Our nation's park system is big enough to accommodate everyone, but this does not mean that one can do whatever one pleases. This legislation is a good first step in harmonizing the needs of those who wish to visit our park system via an airplane and other users.

Let me now turn my attention to that segment of this legislation dealing with a matter of particular concern to me, the Grand Canyon. I view our efforts at this park as a precedent for dealing with the noise question if and when it arises at other parks. Will we work to preserve an essential component of the Grand Canyon experience; its natural quiet,--or will we refuse to act and allow it, and our park system to become something less than intended, that of the preservation of a small part of our natural heritage.

As most of you are well aware, Congressman Mo Udall, Chairman of the House Interior Committee and a great Arizonan, and myself designed this provision following a tragic accident over the Canyon that left 25 people dead. We sought then, and still seek today, a system for controlling the increasing air traffic over the Canyon. I believe any further delay in implementing an aircraft management scheme at the Park only needlessly endangers the public as well as allowing for further degradation of the magnificent resource that is the Grand Canyon.

It is my view that the recently released National Transportation Safety Board report concerning last summer's crash buttresses this view. This report clearly pointed out that an ad hoc aircraft management plan was a bad idea. I conclude from this report that such a plan must be devised, implemented, and enforced by the federal government, through the appropriate federal agencies.

I first became aware of the existence of an aircraft problem at the Grand Canyon in the summer of 1983. At that time I had the privilege to experience, first hand, the beauty and granduer that is the Canyon by rafting from Lee's Ferry to Phantom Ranch. In August of 1985, I had the pleasure of rafting the lower half of the Canyon. Meeting the oar-powered boats required a hike into the Canyon from the South Rim, down the South Kaibab Trail. At this time I became even more sensitive to the aircraft problem as my hike was virtually never free of the incessant drone of aircraft. Following this experience, I resolved to do something about this problem.

Unfortunately, before the government could successfully address the noise issue, we all became painfully aware of the safety questions involved with flights in and around the Grand Canyon. Last summer's tragic collision, costing the lives of 25 individuals, was made all the more tragic by the failure of our governmental entities to heed earlier warning signs. One year prior to this accident, the National Park Service planners in Grand Canyon National Park issued the following statement:

> "The mixture over Grand Canyon of numerous scheduled air-tour operator flights with randomly flying recreational pilots creates a high possibility of midair collisions."

Additionally, following a 1984 crash involving 10 deaths, the National Transportation Safety Board called on the FAA to control sightseeing flights over the canyon.

I believe it is abundantly clear, resource questions aside, that a safety problem exists at the Canyon. Presently, there are 90,000 flights yearly over the Grand Canyon. Over 400,000 visitors use aircraft to view the Canyon. My information indicates that the some 40 tour companies operating in and around the Park are adding equipment as bookings for this summer are up nearly 50%.

While the Grand Canyon is approximately 275 miles in length and as wide as 22 miles, nearly all this traffic passes, at one time or another, very close to Grand Canyon Village. It would appear to me that these facts make this area one of the most heavily trafficked areas of our country which rates no affirmative control, either radar or otherwise.

It is my firm belief that an aircraft management plan must be instituted for the Grand Canyon area. The real matter of controversy is what form that plan should take. It is my view that the proper form would involve keeping all traffic above the Canyon's rim and away from environmentally sensitive areas. The legislation currently addresses the first concern and could possibly address the second before it leaves this committee.

However, that is as involved as Congress should get, in my opinion. They do not really possess the neccessary expertise to write an aircraft management plan. This measure recognizes the fact that such expertise rests in the FAA and with the NPS. Clearly, the FAA has jurisdiction over aircraft and their operations. This bill will not change that. The NPS knows best how to preserve our nation's natural resources in our parks. S. 851 takes account of these facts by allowing the FAA the benefit of the NPS expertise while they devise an aircraft management plan of maximum safety. In no way does this bill remove FAA jurisdiction over aircraft safety to the NPS.

I would like to recognize the fact that the FAA has, finally, taken some action regarding the Park. The good news is that they have set up a Special Use Airspace encompassing most of Grand Canyon National Park, promulgated a Special Federal Aviation Regulation to govern this airspace up to 9,000 mean sea level (msl) and announced the prohibition of "flights below the rim." The bad news is they then set up an exception which has all but swallowed the rule. Air tour operators, estimated at 87% of the flight numbers I mentioned above, can obtain an exception to this regulation. FAA employees have been quoted as saying in essence that this process will place the status quo into regulation. So much for the rule.

Mr. Chairman, let me be clear that I am not wedded to the language before you. If the committee has a better way of accomplishing the same goal, I would welcome that suggestion. However, I am committed to the philosophy behind this measure. That being to restore the natural quiet to a substantial majority of the Park as it existed when President Roosevelt first designated it a National Monument in 1908. I believe this legislation is necessary because the National Park Service has the expertise to accomplish this task, and the FAA will ensure that it is done in a safe fashion, and it is apparent that they can not or will not achieve this goal within their current legislative mandate.

Finally, let me state that I am fully aware of the existence of a $50 million air tour industry around the Park. I know that air tours are an appropriate and needed way for many of our visitors to enjoy the splendor of this magnificent national treasure. I do not support the elimination of aircraft overflights at the Grand Canyon. I believe this legislation will not result in significant harm to the industry. However, I would like to make it clear that, in my view, the Grand Canyon does not exist for anyone's financial benefit. Economic considerations must give way to the preservation of the Grand Canyon experience, in a safe and environmentally benign fashion.

Mr. Chairman, we have a responsibility, not only to ourselves but to those generations yet to come, to ensure the integrity of our national park system. If we fail to take the steps necessary to retain the fundamental essence of the Grand Canyon; its beauty, its splendor, the timelessness and the solitude; what does that say of our commitment to lesser but equally important parts of the world's best park system? I urge you to act favorably on this legislation, thereby signalling our intention to fulfill this commitment.

Senator **Bumpers**. Thank you, Senator McCain.

Let me just make an observation and perhaps one or two questions.

Number one, it is apparent not just from the testimony but from news accounts that there is a problem. There are two problems. One is the problem of safety, and the other is the problem of the environment. Senator Humphrey and I, in our first year in the Senate, were essentially the only two that were really totally involved in the writing of the National Forest Management. I never will forget. Hubert said to me one day, you know, Dale, if it were left up to some people, a leaf would never fall in the forest, and if it were left up to others, they would clear cut everything. It is up to you and me to resolve this, which we did, and I thought in a fairly sensible way.

So here you have the problem where some people probably are not offended by the noise, while others are. Perhaps some do not even hear it, while others are offended even by the trunk carriers traveling 30,000 feet above the Canyon.

Obviously this is a problem. It must be addressed, and I can almost assure you that something will come out of this Committee along the lines of the House bill. You certainly are the Senators who are most deeply involved, and the Members of this Committee respect your concerns and the fact that you are not trying to put these people out of business or say that there can be no overflights shows that your concerns are rational and proper.

I see no reason why whatever jurisdictional problems there are between the Park Service cannot be worked out.

As I just look at the bill, Senator Matsunaga, I notice that you have a 9,500 foot limitation over Haleakala, and the bill provides for only a 2,000 foot altitude over the Grand Canyon. As Senator DeConcini I think has appropriately pointed out, you do not have an awful lot of space because of the altitudes involved in the Canyon itself between where you can fly and where you interfere with commercial traffic.

In that connection, Dennis, I assume that there is no effort here to interfere with commercial traffic, normal commercial traffic that just flies over the Canyon as you and I both have, at 30,000 feet many times.

Senator **DeConcini**. That is correct, Mr. Chairman. What is important to me, it seems, for this consideration here which is different than the House bill and the bill that has been introduced here are two things. One, I think legislatively this Committee should in fact set some flight-free zones, substantial ones, where the bulk of the people go, hiking and down in the Canyon and to view it.

Then I think also because of the safety requirements, the area that is left not as a flight-free zone should be judged as to the altitudes by the safety experts. Because of the variance of the rim from one side to the other, that means if you are on one side of the rim, you are going to be below it. It means on the other side of the rim you are going to be right at the rim where you can view the Canyon.

Senator **Bumpers**. Did I understand from your testimony there is a 2,000 foot variance between the rims?

Senator **DeConcini**. That is right.

Then, as I said, if you get up too high you have to have oxygen, and then you get into the commercial flight. So if you squeeze that down to 1,500 feet, it seems to me from FAA testimony that you are asking for a greater cause of accidents. To me, as you have said just a minute ago, Mr. Chairman, that should be able to be resolved. As Senator McCain points out, we have 270 miles of Canyon and really about 200 that we are talking about here. So there is plenty of space to get the aircraft out where they cannot be heard or seen.

Senator BUMPERS. I take it that some of these flights leave from Nevada someplace.

Senator MCCAIN. A significant portion of them do.

Senator DECONCINI. The majority of these flights come out of Nevada, and they fly across here.

Senator BUMPERS. Where is the state line there, Senator DeConcini, between Arizona and Nevada?

Senator DECONCINI. It is up in here, Mr. Chairman.

Senator BUMPERS. How far is it from the Nevada line to the Canyon.

Senator DECONCINI. How far is it? I do not know how far it is. It is up in here, Mr. Chairman.

Senator BUMPERS. How far is it from Las Vegas?

Senator DECONCINI. About 180 air miles. They come down here, and they fly across the Canyon here, over this part, and then into here. What the Park Service has indicated is that all of that would be out. That is where the south rim is. That is where the population is. That is where the north rim is.

On the other hand, they could take off here or fly in and around these areas and out and over to the airfield. Likewise, services here could come up here, fly in here, and then come back without interfering with these two places.

Now, the Park Service goes even further, Mr. Chairman. During the winter months when it is cooler in the Canyon, there are people who venture out into these areas. The Park Service has recommended that no flights be permitted in these areas in the winter months. I think that is too extreme, but that is up to the Committee to make a judgment. Most of the people do visit in the summer, although it is certainly a year-round park, indeed.

So you can see lots of space here to view the Canyon. Now, the people that are in the business, as Senator Hecht points out, want to look at this, too. At least they want the right to cross over it. Economically, it means something to them, and I can appreciate that. The fact is you cannot very well, in my judgment, cross over it and keep it quiet. That just does not work well unless you go up very high and then come back down.

I do not think it is asking too much for them to come over here, to let them have this space here where not very many people go. Only 3,000 to 6,000 go out in here and here anyway in the wintertime.

Senator BUMPERS. Senator DeConcini, what is the cloud cover over the Canyon most of the year?

Senator DECONCINI. Well, I am no expert in that. I cannot tell you. Everytime I have been there, except in the wintertime when it snowed, it was very clear, but I really cannot say.

Senator McCAIN. It is generally clear most of the year except for the wintertime, December and January.

If I could ask my colleague if we could turn one more chart. There is one more chart that shows some of the proposed air traffic routes that I think might be a little helpful which the FAA and others have been—this is a proposal, Mr. Chairman. This is a proposal for some of the routes that could be flown over the Canyon and controlled with various checkpoints along the way.

I believe the reason why this is important to find out is I think that this could have an impact on the safety factor which I mentioned to you earlier, and the air tour operators obviously would be briefed on this. You can see by these routes that the tour operators and sightseeing flights really have an excellent view of the overwhelming majority of the Canyon in this fashion.

Senator DECONCINI. This is what the FAA is understanding, Mr. Chairman. They are talking about overflights in this first area that I pointed out, in here. That would be a quiet zone. That is why I am convinced that legislation is right. I was not at first, quite frankly.

I thought it ought to be done through the safety being the governing point, but the Park Service has convinced me that that is an area that ought to be seriously considered by this Committee as restricted. The flight operator are not going to like that because they would like to show that, also, this part of the Canyon and this part here. Well, all of it is gorgeous.

Senator BUMPERS. Can they not essentially see that area without flying over it?

Senator McCAIN. I believe so.

Senator DECONCINI. Mr. Chairman, you have to go witness it yourself to give a real——

Senator BUMPERS. Well, I may do that. I may do that.

Senator DECONCINI. I wish you would. To me, it is so spectacular if I stand on the rim I am quite satisfied. If I am down on the bottom of the Canyon and a helicopter goes over it, it does not offend me, but other people feel very strongly the other way, and I respect that.

Senator BUMPERS. I will tell you something. I am almost afraid to fly over that thing right now. What is it, 400,000 to 450,000 people a year flying over that thing in fixed wing and helicopter aircraft?

Senator DECONCINI. Those are passengers, Mr. Chairman, but the FAA has instituted now that you have to get approval to fly over that, and they have put in some pretty good regulations.

Senator BUMPERS. Do you know how many charter companies there are flying over the Grand Canyon?

Senator McCAIN. Forty.

Senator BUMPERS. Do you know how many are Nevada based and how many are Arizona based?

Senator McCAIN. The majority of them are Nevada based, Mr. Chairman. There are only a few that are Arizona or Utah based.

Senator DECONCINI. As you can see, Mr. Chairman, the flights from Nevada come from over here, and they bring in people and see the Canyon and drop them off and then fly them back.

Senator BUMPERS. Well, the problem is growing exponentially, is it not?

Senator **DeConcini**. Yes, sir. That is a fair observation.

Senator **McCain**. Let me point out again, Mr. Chairman, I respect and admire the FAA. I would accede to them any aspect of this issue that has to do with safety. I do not expect the FAA to know what areas of the Canyon should be kept quiet and those that should not, and I think it is important that there be a partnership between the Park Service and the FAA. I think we can achieve that with the direction of this Committee and this legislation.

Senator **Bumpers**. Well, gentlemen, thank you very much for being here this morning. I appreciate your patience and apologize again for keeping you waiting.

Senator **McCain**. Thank you, Mr. Chairman.

Senator **Bumpers**. Is Congressman Miller here? If not, we will proceed with our next witness Dan Peterson, Manager, Airspace Rules and Aeronautical Information, Federal Aviation Administration. He is accompanied by John Kern, Deputy Associate Advisor for Aviation Standards; and Denis P. Galvin, National Park Service, accompanied by Manus J. Fish, Jr., Director, National Capital Region, Department of the Interior.

Senator **Wirth** [presiding]. Gentlemen, thank you very much for being here. We greatly appreciate it. I hope that each of you will be able to summarize your statement in perhaps five minutes or less, and we will include, of course, your full statement in the record. The record will be left open for any additional comments that you might like to make and for questions from the Committee.

Perhaps we might start with you, Mr. Peterson. Again, thank you very much for being here. We appreciate the help and counsel of the FAA and look forward to receiving your testimony.

Thank you very much.

STATEMENT OF JOHN S. KERN, DEPUTY ASSOCIATE ADMINISTRATOR FOR AVIATION STANDARDS, FEDERAL AVIATION ADMINISTRATION, ACCOMPANIED BY DAN PETERSON, MANAGER, AIRSPACE RULES AND AERONAUTICAL INFORMATION DIVISION, FEDERAL AVIATION ADMINISTRATION

Mr. **Kern**. Mr. Chairman, my name is John Kern. I am the Deputy Associate Administrator for Aviation Standards with the FAA. I think we had a slight mixup in terms of who was going to read the opening statement today. Mr. Peterson is joining me as a representative of the FAA's air traffic organization.

Senator **Wirth**. Whatever you think will be most useful for the Committee. Thank you very much.

Mr. **Kern**. Pertaining to the summary of my statement, my statement is very short, and I believe it contains perhaps answers and information that would be very relevant to some of the comments that were made just previous to this. So with your permission, I would like to just read through it.

Senator **Wallop**. Terrific. With that kind of brevity, we are going to set new precedence in the United States Senate. Thank you, Mr. Kern.

Mr. **Kern**. I welcome the opportunity to appear before your Subcommittee today along with Dan Peterson, Manager of the Airspace Rules and Aeronautical Information Division of the FAA Air Traffic Service, to discuss the FAA's views on S. 451.

S. 451 would require the Secretary of Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park units. Moreover, the bill would also require the FAA to provide technical assistance to——

Senator WIRTH. If you might suspend for a minute, can everyone hear? I see people straining to hear. You might just pull the mike over as close as possible, Mr. Kern. I think the miracles of modern technology have not hit the Senate microphones yet.

Mr. KERN. Yes, sir.

Before describing our views on the bill, I would like to emphasize the FAA's sensitivity to environmental issues. This sensitivity has been clearly demonstrated through the establishment of approach and departure flight procedures and mandatory power reduction departure procedures which are in effect in many of our major airports.

Several years ago, the FAA adopted rules that limit noise to the extent that older jet aircraft 0were retired or retrofitted with noise hush kits. The rotocraft community has adopted and the FAA has endorsed the program called "Fly Neighborly" that encourages operators to carefully consider the environmental needs of their operating area. The FAA even has an Office of Environment and Energy that continually addresses the environmental concerns caused by aircraft operations.

We have also worked in close cooperation with the Interior Department to assess what actions can be taken to reduce aircraft noise in national park areas. In an effort to address environmental concerns in these park areas, we have previously implemented several measures, including improved charting of parklands on aeronautical charts, revision of the Airman's Information Manual, and the issuance of advisory circular materials concerning noise sensitive areas to attain greater cooperation by airspace users and dissemination of information by local FAA officers on the subject of noise restrictions.

We currently have in effect interagency agreements between the Department of Transportation and the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. These agreements were reached in recognition of the environmental and noise concerns generated by aircraft flying over national parklands and wildlife preserves and established 2,000 feet above ground level as the requested minimum altitude for aircraft flying in these airspace.

The agreements, while recognizing the public freedom of transit in navigable airspace, reflect the desire to act in cooperation to reduce the incidence of low-flying aircraft over NPS, FWS and BLM-administered lands.

In addition to the interagency agreements and the advisory circular, the FAA continues to work cooperatively with the Department of Interior agencies. We have met on repeated bases with Department of Interior officials on noise issues and in particular consulted with them over our proposed rulemaking concerning the Grand Canyon National Park.

In that regard, with respect to the Grand Canyon National Park, we believe the provisions of the bill are unnecessary. As a result of recent rulemaking, the FAA issued a Special Federal Aviation Regulation (SFAR), effective April 27, 1987, which establishes temporary procedures for the operation of all aircraft, including helicopters, in the airspace above the Grand Canyon up to an altitude of 9,000 feet above the mean sea level.

Public hearings on the proposed regulation were held in Las Vegas last December and in Phoenix last February. We formally consulted with the Department of Interior on this rule. This rule establishes a Grand Canyon National Park special flight rules area from the surface up to 9,000 feet mean sea level. The area will be marked on aeronautical charts and described in other pilot information publications.

Our rule prohibits flights in the Grand Canyon National Park unless the operator holds a Part 135 certificate, has express authorization in its operation specifications to operate in the Grand Canyon, and is authorized by the FAA Flight Standards District Office to do so. This regulation also prohibits except when necessary or when specifically authorized flights closer than 500 feet to any terrain or structure in the Canyon. Aircraft are required by the FAA to operate on specific mandatory routes at specific altitudes.

Finally, the regulation requires pilots to monitor certain common radio frequencies and make position reports as specified in their authorizations to enter the Grand Canyon airspace.

In effect, this rule restricts aircraft operations in the airspace between the rim and 9,000 feet to aircraft with a park-related need to be in the area or to commercial tour operators which meet extensive requirement, experience, training and operational requirements.

The restrictions which apply to transient aircraft between the rim and 9,000 feet are temporary until the procedures for transient operations can be integrated with the standard procedure used by commercial tour operators over the Canyon. We expect to issue a permanent rule upon expiration of the special regulation on June 15, 1987.

For the final rule, in addition to reviewing the restrictions contained in the SFAR, we are considering other provisions to permit access to the Grand Canyon by general aviation aircraft and provisions for avoidance of certain noise critical sites by low-flying aircraft. These rules would reduce the risk of midair collision, the risk of terrain contact, accidents below the rim level, generally reduce the impact of aircraft noise in the Grand Canyon and totally eliminate aircraft flight below 9,000 feet in vast areas of the park.

We have also been advised that the Department of Interior intends to conduct a two-year study of aircraft noise at the Grand Canyon. The FAA has agreed to provide technical expertise and assistance to the Department of Interior for this study.

To the extent that S. 451 requires and authorizes funds for a study of aircraft noise at various national parks, the FAA has no objection. In fact, we welcome the opportunity to benefit from that additional knowledge. We do object, however, to the bill's approach whereby a management plan for the Grand Canyon would be developed by the Department of Interior along with recommendations concerning overflights which the FAA would be required to follow in regulations unless we specifically determine that such recommendations would adversely affect safety.

Such a requirement would ignore the responsibilities the FAA administrator has for assuring both the safe and efficient movement of air traffic in navigable airspace. Moreover, that approach would be tantamount to the exercise of airspace regulatory authority by someone other than the Administrator, which is a clear departure from present and past practice in which the Administrator bears sole responsibility for the exercise of plenary authority over airspace management. This is of major concern to us and, in our view, would amount to a bad precedent which could serve to diffuse regulatory authority in the aviation area.

As an example of the specific problems raised by the Grand Canyon provision, the bill would establish a minimum flight altitude by reference to the rim of the Canyon. The rim of the Canyon varies in elevation by more than 3,500 feet from the western end of the park to the eastern end. Also, the north end of the Canyon is as much as 2,000 feet higher than the south rim.

The statutory limitation on flight below the rim, therefore, would make the regulation of flight altitudes unnecessarily complex and would not result in any consistent mitigation of noise impact on the Canyon's surface.

We also have concerns about the interim air space requirements which would be imposed by section 2 of the bill. It is generally not practicable in our view to attempt to regulate a subject so complex as airspace assignment and aircraft operating rules by specific language in a statute. In that regard, there may well be aeronautical and environmental effects on the airspace restrictions over Haleakala and Yosemite National Parks which have not been considered by the Subcommittee.

Moreover, the restrictions, even if adopted, do not provide sufficiently clear guidance to pilots and would require interpretation by the FAA. For example, the minimum altitude above Yosemite is expressed in feet above the surface, which cannot be determined by a pilot in flight. We believe that specific airspace assignments should be developed only after complete analysis of the issues involved and through appropriate rulemaking which takes into account the full range of pertinent issues.

We would also note our concern over the provisions for enforcement in this bill. Any rules adopted under this legislation would regulate the operation of aircraft in flight. The National Park Service has no authority to enforce such provisions under existing rules or to promulgate rules for that purpose. The bill has been drafted to insure that regulatory authorities remain exclusively with the FAA. The possible enforcement of airspace violations by the National Park Service conflicts with that regulatory scheme.

In closing, Mr. Chairman, I would reiterate the FAA's concern over environmental issues related to overflight of national parks. We have worked closely with the Department of Interior on these matters and will continue to do so. In the case of the Grand Canyon, we believe that our recently adopted Special Federal Aviation Regulation and our intent to establish a permanent rule for flights over the Grand Canyon demonstrate the extent of our concern and that they offer an appropriate response which will help ameliorate problems in that area. We welcome the continued study by the Department of Interior on the issue of overflights and are pleased to offer our technical expertise to them.

As I noted earlier, Mr. Chairman, we believe that the management of airspace issues should not be done by statute or by direction of the National Park Service but should be left to the exercise of the FAA's regulatory authority in a manner which balances all relevant considerations in a public process.

That completes my prepared statement, Mr. Chairman.

Senator WIRTH. Thank you very much, Mr. Kern.

Mr. Galvin.

STATEMENT OF DENIS P. GALVIN, NATIONAL PARK SERVICE, ACCOMPANIED BY MANUS J. FISH, JR., DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. GALVIN. Thank you, Mr. Chairman. I have a prepared statement I will submit for the record, and I will simply summarize my statement.

We recommend against the enactment of S. 451. We believe the legislation is unnecessary. We do not need this special authority to conduct minimum aircraft altitude studies. Our estimate of the mandated studies in S. 451 which we reckon would encompass about 39 parks would cost in excess of $3 million.

The bill asks us to conduct a study and report the results to Congress within three years to determine the proper minimum altitude which should be maintained in flying over certain units of the National Park Service. The study is to apply to all units of the system, and the bill further requires special research at 10 parks, some of which are named in the bill.

It prohibits aircraft from flying less than 2,000 feet above the highest terrain in Yosemite, and it also prohibits aircraft from flying below 9,500 feet above mean sea level at Haleakala and Hawaii. The prohibition remains in effect two years after the study is submitted to Congress.

Specifically with respect to Grand Canyon, it asks the National Park Service to submit a plan for management of airspace to the Administrator of FAA within 30 days of enactment and within 60 days of receiving the plan the Administrator of FAA is required to issue regulations implementing the National Park Service recommendations. A report to Congress is required within two years on whether or not the implemented measures have restored the natural quiet at Grand Canyon.

Our chief objections to the bill, Mr. Chairman, in addition to the cost, are that it puts the National Park Service in the position of planning and managing aircraft space, properly the duty of FAA. Further, the bill would prohibit flights below certain altitudes at Haleakala and Yosemite even if studies show the minimum altitudes are not needed. Those prohibitions would continue for two years after the studies were finished.

We have requested our field offices to consider using the $15 million recreation fee money made available in the last Congress in the Continuing Resolution which was earmarked for resource management issues among others as a source of funds to initiate a study similar to the ones required in the bill. In fact, at Grand Canyon the western region has initiated such a study.

With respect to our adminstrative relationship with FAA, Assistant Secretary Horn of Fish and Wildlife and Parks proposed to the Administrator of the FAA a two-year joint study with FAA of noise impacts at the Grand Canyon. We also recommended in that letter that radar be installed at Grand Canyon and that no flights be allowed within the inner gorge.

As Mr. Peterson pointed out, the FAA has issued a new regulation governing Grand Canyon. These regulations would have minimum effect on commercial Grand Canyon air tour operators currently overflying the park. We believe that the regulations are a step in the right direction although we would like to continue to work with the FAA particularly in protecting the quiet and solitude of the park.

With respect to the time limits placed in the bill, we would be unable to comply with this bill's requirement that we recommend a plan within 30 days.

We recognize that noise is an aesthetic problem. We do not recommend and have not recommended in the various plans that we have worked on that overflights be prohibited entirely. At the same time, we seek restrictions on overflights so that it is appropriate to protect the values of solitude and the quality of quiet in the Canyon that many visitors seek. We believe that time and space zoning should be considered in order to accommodate both sets of interests.

While the National Park Service has no jurisdiction over the third dimension, that is the vertical dimension above the parks, time and space zoning has been a common device used in National Park Service plans with respect to potentially conflicting surface uses.

I would also like to point out that one of the principal means of access to the Havasupai reservation which is in the Canyon itself is by aircraft, and there is no provision for them in the Senate bill. I believe the House-passed bill on Monday amended the legislation to take care of that requirement for the Havasupai reservation.

That ends my statement, Mr. Chairman.

[The prepared statement of Mr. Galvin follows:]

STATEMENT OF DENIS P. GALVIN, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 451, A BILL TO REQUIRE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY TO DETERMINE THE APPROPRIATE MINIMUM ALTITUDE FOR AIRCRAFT FLYING OVER NATIONAL PARK SYSTEM UNITS.

May 7, 1987

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 451.

We recommend against the enactment of S. 451. We believe this legislation is unnecessary. We do not need special authority to conduct minimum aircraft altitude studies, where appropriate. For example, we are now undertaking a comprehensive noise study at Grand Canyon National Park, and FAA will be providing technical assistance in this study. Furthermore, the mandated study in S. 451 would cost in excess of $3 million.

S. 451 would direct the Secretary of the Interior, acting through the Director of the National Park Service, to conduct a study and report the results to Congress within 3 years to determine the proper minimum altitude which should be maintained by aircraft when flying over units of the National Park System. Although the study is to apply to all units of the System, the bill would require that the study include special research at 10 parks--except those established by the Alaska National Interest Lands Conservation Act.

The bill further prohibits aircraft from flying less than 2,000 feet above the highest terrain in Yosemite National Park and it prohibits aircraft from flying below 9,500 feet above mean sea level over certain sections of Haleakala National Park. The prohibitions remain in effect for 2 years after the study is submitted to Congress.

For Grand Canyon National Park, the bill requires the National

Park Service to submit a plan for the management of air space above the park to the Administrator of FAA within 30 days of enactment. Within 60 days of receiving the plan the Administrator is required to issue regulations implementing the recommendations in the National Park Service plan. Provisions are included for revisions in the regulations based on aviation safety. A report to Congress is required within 2 years on whether the National Park Service plan has succeeded in substantially restoring the natural quiet in the park. Helicopters transporting Colorado River boat trip parties to and from the Hualapai Indian Reservation are not prohibited.

Mr. Chairman, our chief objections to the bill are that it would cost in excess of $3 million to conduct the study, and that it places the National Park Service -- at Grand Canyon National Park -- in the position of planning and managing aircraft space, more properly the duty of the FAA, the primary agency with such expertise. Further, the bill would prohibit flights below certain altitudes at Haleakala and Yosemite even if studies show the minimum altitudes are not needed. As the bill reads now, the prohibitions would continue for 2 years after the studies are submitted even if the study indicated that minimum altitudes are not needed. The prohibitions would continue for as long as it takes to complete the study, plus 2 years.

We do not need legislation to address the issue of aircraft overflights. We have requested our field offices to consider using some of the $15 million made available in the Fiscal Year 1987 Continuing Resolution for studies of the effects, if any, of overflights on visitors and resources.

For Grand Canyon, we are currently in the process of developing additional data on suspected noise impacts caused by aircraft, including commercial tour operators. We have proposed a 2-year joint study with FAA of noise impacts. We have also recommended to FAA that radar be installed at Grand Canyon airport and that no flights be allowed within the inner gorge. FAA issued a notice of proposed rulemaking on December 9, 1986, proposing a regulation to restrict flights over the park below 9,000 feet mean sea level, except as authorized by the Las Vegas Flight Standards Office. The regulation would have minimal effect on commercial tour operators currently overflying the park. We generally support the intent of the proposed regulation, as it pertains to reducing noise and safety hazards. The regulation is now in effect on an interim basis until June 15, 1987; a proposed final rule is now being reviewed by FAA.

Mr. Chairman, FAA is proceeding under its existing regulatory authority, and we are beginning an extended study of the effects of aircraft noise at Grand Canyon. Since we are unable to make management decisions or recommendations related to noise without additional data, we would be unable to comply with this bill's requirement that we recommend a plan within 30 days that provides for substantial restoration of the natural quiet and experience of the park.

We recognize that noise is an aesthetic problem for some visitors to Grand Canyon. We want to provide a quality experience to our visitors. Accordingly, we recommend that overflights not be prohibited entirely, since they are very popular and they provide a park experience for those who may not be able, or may not wish, to see the park from the ground. At the same time, some restriction on overflights is appropriate to offer other visitors what they seek.

We believe that time and space zoning should be considered in order to accommodate both sets of interests. However, such zoning must be based on solid information, and that is why we are undertaking the comprehensive noise study I referred to earlier. I would also like to point out that one of the principal means of access to the Havasupai Reservation, which is in the canyon itself, is by aircraft. The Havasupai have not been addressed in the bill.

This concludes my prepared remarks, Mr. Chairman. I will be pleased to respond to your questions.

Senator WIRTH. Any further comments from either of you here? Do you have anything additional you might want to add?

Mr. FISH. I am prepared to give remarks on the Peace Garden, Mr. Chairman.

Senator WIRTH. Fine. Why not do that now, Mr. Fish, and then we will have the full panel's statements in the record.

STATEMENT OF MANUS J. FISH, JR., DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. FISH. Thank you. I appreciate this opportunity to provide the Subcommittee with the views of the Department of the Interior on this legislation. We recommend the enactment of S. 261 and H.R. 191 which are identical bills. These bills would provide authority for the Peace Garden project, a private, nonprofit organization headquartered in California, to establish a garden on Federal land in the District of Columbia to honor the commitment of people of the United States to world peace.

On February 12, 1987 the National Capital Memorial Commission met to discuss, among other proposals, S. 261. This body was established as part of the Commemorative Works Act which became law in November 1986 to advise the Secretary of the Interior on policy and procedures for establishment of commemorative works in the District of Columbia and environs.

This proposal was understood to be a contemplative and reflective garden which would honor the commitment of the people of the United States to world peace. The Commission considered S. 261 and unanimously recommended that the Secretary of the Interior support the bill.

The Commission was delighted that the bill conformed to the provisions of the Commemorative Works Act as closely as it did. All major provisions of that Act are addressed in these two bills.

The intent of the Peace Garden project is to protect open space in a manner compatible with existing public use. We believe this landscaped garden will fully do that and should be encouraged.

That summarizes my prepared remarks, Mr. Chairman.

[The prepared statement of Mr. Fish follows:]

STATEMENT OF MANUS J. FISH, JR., DIRECTOR, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 261 AND H.R. 191, BILLS TO AUTHORIZE THE ESTABLISHMENT OF A PEACE GARDEN ON A SITE TO BE SELECTED BY THE SECRETARY OF THE INTERIOR.

MAY 7, 1987

MR. CHAIRMAN, MY NAME IS MANUS J. FISH, AND I AM THE DIRECTOR OF THE NATIONAL CAPITAL REGION OF THE NATIONAL PARK SERVICE. I APPRECIATE THIS OPPORTUNITY TO PROVIDE YOUR SUBCOMMITTEE WITH THE VIEWS OF THE DEPARTMENT OF THE INTERIOR ON THIS LEGISLATION. WE RECOMMEND THE ENACTMENT OF S. 261 AND H. R. 191, WHICH ARE IDENTICAL BILLS.

THESE BILLS WOULD PROVIDE AUTHORITY FOR THE PEACE GARDEN PROJECT, A PRIVATE NON-PROFIT ORGANIZATION HEADQUARTERED IN CALIFORNIA, TO ESTABLISH A GARDEN ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA, TO HONOR THE COMMITMENT OF THE PEOPLE OF THE UNITED STATES TO WORLD PEACE. THE SITE OF THE GARDEN WOULD BE SELECTED BY THE SECRETARY OF THE INTERIOR, SUBJECT TO THE APPROVAL OF THE COMMISSION OF FINE ARTS AND THE

NATIONAL CAPITAL PLANNING COMMISSION. THE SECRETARY, THE COMMISSION OF FINE ARTS, AND THE NATIONAL CAPITAL PLANNING COMMISSION WOULD ALSO APPROVE THE DESIGN FOR THE PEACE GARDEN. CONSTRUCTION COULD NOT COMMENCE UNTIL THE SECRETARY DETERMINES THAT SUFFICIENT FUNDS ARE AVAILABLE. THE BILL PROVIDES THAT AUTHORITY TO ESTABLISH THE PEACE GARDEN SHALL EXPIRE IN FIVE YEARS UNLESS CONSTRUCTION BEGINS BEFORE THAT TIME. ALTHOUGH NO FEDERAL FUNDS MAY BE EXPENDED FOR THE ESTABLISHMENT OF THE PEACE GARDEN, THE BILL PROVIDES THAT THE SECRETARY OF THE INTERIOR SHALL BE RESPONSIBLE FOR ITS MAINTENANCE AFTER IT IS COMPLETED, AND AFTER AN AMOUNT EQUAL TO 10 PERCENT OF THE ESTIMATED CONSTRUCTION COST HAS BEEN MADE AVAILABLE TO THE SECRETARY FROM NON-FEDERAL SOURCES FOR ITS MAINTENANCE.

ON FEBRUARY 12, 1987, THE NATIONAL CAPITAL MEMORIAL COMMISSION MET TO DISCUSS, AMONG OTHER PROPOSALS, S. 261. THIS BODY WAS ESTABLISHED AS A PART OF THE COMMEMORATIVE WORKS ACT (P.L. 99-652), WHICH BECAME LAW ON NOVEMBER 14, 1986, TO "ADVISE THE SECRETARY AND THE ADMINISTRATOR (GSA) ON POLICY AND PROCEDURES FOR ESTABLISHMENT OF (AND PROPOSALS TO ESTABLISH) COMMEMORATIVE WORKS IN THE DISTRICT OF COLUMBIA AND ITS ENVIRONS, AS WELL AS SUCH OTHER MATTERS

CONCERNING COMMEMORATIVE WORKS IN THE NATION'S CAPITAL AS IT MAY DEEM APPROPRIATE." THIS PROPOSAL WAS UNDERSTOOD TO BE A CONTEMPLATIVE AND REFLECTIVE GARDEN WHICH WOULD HONOR THE COMMITMENT OF THE PEOPLE OF THE UNITED STATES TO WORLD PEACE. THE COMMISSION CONSIDERED S. 261, AND UNANIMOUSLY RECOMMENDED THAT THE SECRETARY OF THE INTERIOR SUPPORT THE BILL. THE COMMISSION WAS DELIGHTED THAT THE BILL CONFORMED TO THE PROVISIONS OF P.L. 99-652, THE COMMEMORATIVE WORKS ACT, AS CLOSELY AS IT DOES. ALL MAJOR PROVISIONS OF THAT ACT ARE ADDRESSED IN THESE TWO BILLS.

AS YOU ARE AWARE, A VERY SIMILAR BILL, H.R. 4467, WAS INTRODUCED INTO THE LAST CONGRESS. THE DEPARTMENT AT THAT TIME ALSO STRONGLY SUPPORTED THAT BILL BECAUSE OF ITS INTENT TO PROTECT OPEN SPACE IN A MANNER COMPATIBLE WITH EXISTING PUBLIC USE. WE BELIEVE THAT THIS LANDSCAPED GARDEN WILL FULLY DO THAT AND SHOULD BE ENCOURAGED.

THIS CONCLUDES MY PREPARED REMARKS, MR. CHAIRMAN. I WOULD BE PLEASED TO RESPOND TO ANY QUESTIONS THAT YOU OR OTHER MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

Senator WIRTH. Thank you all very much. I appreciate your being here.

Tell me, Mr. Kern, Mr. Peterson, or Mr. Galvin, you all have commented at length about the Grand Canyon. Have you all spent time in the Grand Canyon? Can you tell me that?

Mr. GALVIN. Mr. Chairman, I lived at the Grand Canyon for four years.

Senator WIRTH. What did you do at the Grand Canyon?

Mr. GALVIN. I was on the staff of the Albright Training Center, which instructs new rangers to the National Park Service, and am intimately familiar with both northern Arizona and the Grand Canyon.

Senator WIRTH. Have you seen in the time that you were there, Mr. Galvin, have you seen a lot of change in the air traffic of the Grand Canyon?

Mr. GALVIN. Mr. Chairman, I have not actually lived at the Grand Canyon since 1973, but I have been back there many times over the years and in fact hiked in the Grand Canyon in the mid-'60s, and I think both the record and our personal observations indicate that there has been a great increase.

Currently I believe the figures are 50,000 operations per year. The Arizona Department of Transportation anticipates a doubling of that by the year 2003.

Senator WIRTH. This has been a concern for some time, has it not? The question of so-called noise pollution, overflights in the Grand Canyon?

Mr. GALVIN. Yes, sir, it has. In fact there was previous legislation passed by the Congress encouraging the National Park Service and the FAA to cooperate.

Senator WIRTH. Was that legislation encouraging the Park Service and the FAA, or requiring the Park Service and the FAA?

Mr. GALVIN. I believe you are correct. It required——

Senator WIRTH. When was that legislation passed?

Mr. GALVIN. The Grand Canyon Enlargement Act was——

Senator WIRTH. 1975?

Mr. GALVIN. 1975.

Senator WIRTH. And that was 12 years ago. Is that not correct?

Mr. GALVIN. Yes, sir.

Senator WIRTH. And effectively nothing has been done in that 12 year period of time. Is that correct?

Mr. GALVIN. Actually, we began some efforts to gain cooperation among all the parties in the early '80s, and in 1984 we started an environmental assessment that was heading towards an aircraft management plan at Grand Canyon.

That was done through public hearings and Federal Register notices.

Senator WIRTH. I note that, I just wondered what the rationale was, in your statement you say you proposed a two-year joint study with the FAA of noise impacts. This is 1987. The Congress said to you in 1975 that you should do this. This was 12 years ago, you were saying we need two more years to do this.

Now why should we believe that having required this once, of the National Park Service and the FAA, that it will happen now?

Why should we not just go ahead and legislate this? It has been around as an issue for a long time.

Mr. GALVIN. Well, to speak specifically to the Grand Canyon, in the course of developing this environmental assessment and aircraft management plan, we reviewed all the research data available on the noise issue.

I think we need to be careful to separate the safety issue and the noise issue here. On the noise issue there were some nine studies that looked at three aspects of noise. How much noise was there? How persistent was it? And how much did it bother park visitors?

It was the judgment of the Department of the Interior in an internal review that that data were insufficient. Some of the studies had been done by the National Park Service, others by independent researchers.

It was the judgment of the Department of the Interior in an internal review that that data was insufficient to make any conclusive recommendations to FAA regarding the protection of solitude and the elimination of noise in the Canyon.

Subsequently the official communication between the Department and FAA asked for a joint study of noise impacts with FAA at the Grand Canyon.

Senator WIRTH. Was it the Department's conclusion that the data was insufficient or is it that the data was flawed?

Mr. GALVIN. A little bit of both, actually.

Senator WIRTH. The reason I bring that up, Mr. Galvin, is that we were talking a little bit earlier about what had happened in 1975, and your language at that point was that the Congress had, quote, encouraged, unquote.

The fact is that the Congress had required it. And this is the recent issue related to the data that was available, your statement that it was found to be, quote, insufficient. It is my understanding that in fact the Inspector General had found the data to be so flawed that the studies were very, very badly done.

There is a lot of difference between encouraged and required, and a lot of difference between insufficient and flawed. Let me bring that up for the purpose of hoping that you choose your language very carefully. This is all on the record.

I just want to encourage you to be quite specific and quite accurate in the information you are providing the committee.

Mr. GALVIN. Actually, Mr. Chairman, I believe that the Inspector General's report drew a variety of conclusions based on the studies. In some instances it found conflicting data from sources that the National Park Service had not looked at. I speak here of the peregrine falcon data.

In other instances it concluded that the size of the sample was very small, compared to the number of people who visited Grand Canyon. In other instances the Inspector General's study asserted that the National Park Service had quoted data from other studies out of context.

Senator WIRTH. Senator Murkowski has some further questions. In the meantime I might, while we are waiting for him ask if you have any comments on the exchange that I have just had with Mr. Galvin. Mr. Kern or Mr. Peterson?

Mr. KERN. Yes I do. The first question was, have we been to the park and have we enjoyed it? I have taken a trip down on the mules several times and have enjoyed it. Of course, I have flown over it many times.

In terms of the FAA's answer to your question about the 1975 Congressional mandate, we of course worked as a consultant with National Park Service, Department of Interior over the years in trying to resolve the environmental and safety issues of the Canyon.

FAA did receive a letter from the Department of Interior in, I believe it was, November of 1986. In my statement I have made reference to a regulation that we have issued. We have between then and April 27th issued a special regulation that we feel deals with the concerns that were expressed by the Department of Interior.

One of them being that we ban all flights from the Inner Gorge of the Grand Canyon. In fact this rule does that. No aircraft are allowed in the Inner Gorge of the Canyon.

There was another point that was raised by the Interior Department to study the possibility of radar in the area of the Grand Canyon. We are in fact studying that issue right now, and if you want we could get into that a little more deeply.

Senator WIRTH. Thank you very much, Mr. Kern.

Senator Murkowski?

STATEMENT OF HON. FRANK H. MURKOWSKI, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator MURKOWSKI. Thank you very much, Mr. Chairman. I appreciate the opportunity to just make a few observations.

First of all, let me say that I happen to support the position of the senator from Wyoming with regard to the Federal Aviation retaining management over airspace. I think they are the appropriate authority.

In view of the concern, however, over those areas where there is a concentration of traffic, and as a consequence needs special care, I think it is appropriate that the FAA address those matters with the capability and experience that they have had.

I am reluctant to see the Park Service specifically get into that area. I think the FAA has the capability and can mandate based on their experience.

My purpose, Mr. Chairman, in speaking, however, is the realization that nearly 70 percent of the lands under jurisdiction of the park service happen to be in the State of Alaska.

There appears to be a bit of an oversight with regard to this legislation because S. 451 recognized the unique role of aircraft in the parks in Alaska by exempting from the proposed study those parks that were created by ANILCA, the Alaska Native Indian Land Claims legislation, at which time the native selections were made.

Now I assume this is an oversight. The bill makes the distinction between the pre-ANILCA parks, the Kenai Fjords, Denali or Mt. McKinley, and the Katmai, and those that were created by ANILCA. Of course the same unique circumstances for access apply to those areas, pre-ANILCA and the ANILCA parks.

As a consequence the same management practices should apply. The same exemption should apply. And while all conservation units in Alaska are managed according to the principles laid out in ANILCA, there is a distinction in S. 451 between parks and obviously that distinction does not exist. The parks are the parks.

They have the same remoteness, the same uniqueness, and since the ANILCA parks are identified as being exempt, the feeling of this senator and my constituents in Alaska is that the pre-ANILCA parks, while not addressed, should also be exempt as well.

The uniqueness being that inholders obviously have to enter into the parks for areas for access and the tremendous land mass involved in the realization again that 70 percent of the parks are under the jurisdiction of the park service, are in the State of Alaska I think speaks for itself.

So Mr. Chairman I do not have a specific question unless the panel would like to comment specifically, but I would like my opening statement entered in the record as if read, with the specific notation that we feel the parks in Alaska should be under the authority and control of the FAA and treated in a manner appropriate with the recognition that more often than not flying conditions are such that visual flight rules are applicable which dictate and mandate a certain realization of what altitude you are flying at regardless of any mandatory rule about flying over parks.

So I guess my point is, Mr. Chairman, the practicalities are well-addressed under the FAA as opposed to any consideration that it might be under a specific set of rules, either set up by the park service or by the FAA for parks in Alaska.

Do you have any problem with my concern?

Mr. GALVIN. Mr. Chairman, the Senator from Alaska correctly interprets the legislation that it does specifically exempt those Section 201 ANILCA-created parks, because of the specific references in that legislation.

I mentioned in my opening statement that at this time we feel that passage of S. 451 would require studies in 39 parks. None of those parks are in Alaska. We do believe in the current arrangements with respect to aircraft in all parks where FAA has the authority to regulate airspace, but we cooperate with them when there are problems created by aircraft as appropriate in the entire system.

Senator MURKOWSKI. Mr. Chairman, I think that is satisfactory.

Senator WIRTH. Without objection, your statement will be included in full in the record.

[The prepared statement of Senator Murkowski follows:]

Fr. FH Murkowski
Clerk.

STATEMENT OF
SENATOR FRANK H. MURKOWSKI
SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION
MAY 7, 1987

Mr. Chairman, I have some questions in general about the park overflights legislation before us today and I look forward to hearing the testimony that will be presented. My general concerns focus on the impact of dual regulatory authority between the National Park Service and the Federal Aviation Administration and the actual need for legislative direction for further regulations. I must also register concerns and questions that I have about the potential impact of this legislation on Alaska. Nearly 70% of the lands under the jurisdiction of the National Park Service are in Alaska, so the result of this legislation on Alaskans naturally raises serious questions in my mind.

In 1980, during consideration of the Alaska National Interest Lands Conservation Act, or ANILCA, Congress recognized the unique role of aircraft on federal lands in Alaska. Unlike their counterparts in the Lower 48, most parks in Alaska are not accessible by road -- aircraft is the traditional means of access to the resources and inholdings within the park units. ANILCA contains unique provisions regarding aircraft access to, within, and over the conservation units in Alaska as in many cases this is the only way to ensure access for recreation and subsistence users to the parks' resources.

I was pleased to see that the sponsors of S. 451 recognize the unique role of aircraft in the parks in Alaska by exempting from the proposed study those parks that were created by ANILCA. However, through what I assume was an oversight, the bill makes a distinction between pre-ANILCA parks -- Kenai Fjords, Denali, and Katmai -- and those that were created under ANILCA. The same unique circumstances for access apply to pre-ANILCA and ANILCA parks, the same management practices apply, and the same exemption should apply. While all conservation units in Alaska are managed according to the principles laid out in ANILCA, S. 451 makes a distinction between parks which simply does not exist.

Again, I look forward to listening to the witnesses that will testify today. I will continue to look closely at this legislation and will pursue whatever changes are necessary to rectify any oversights that may result in limitations on public access to and within Alaska's parks.

Senator MURKOWSKI. Thank you.

Senator WIRTH. Let me briefly, Mr. Kern, you noted in your comments that there were regulations that flights could not occur within the Inner Gorge.

Does that mean below the rim?

Mr. KERN. Not necessarily the rim, Mr. Chairman. As I mentioned also in my statement, the rim at the Canyon is kind of an elusive thing for aircraft. It varies so much from I believe around 8,500 feet maybe to 3,500 or 4,000 feet.

While the general purpose of our rule was, number one, to get them out of the Inner Gorge, and secondly to raise the general levels of all aircraft, which this rule in fact does, and to define mandatory tracks, it was virtually impossible because of the compression of the airspace we were working with to keep all flights above all portions of the rim.

Senator WIRTH. Is there therefore in the regulation a reference to minimum altitudes?

Mr. KERN. Yes, sir. This regulation applies to all operators as mentioned earlier. It requires specific mandatory hard altitudes, which they may not deviate from.

Senator WIRTH. Is that a minimum altitude?

Mr. KERN. Yes, sir. Each set of operators will have a specific minimum altitude. In fact it is a maximum altitude. It is the altitude at which they will fly.

Senator WIRTH. It is?

Mr. KERN. We mandate in our operations specifications for the operators specific altitudes——

Senator WIRTH. Is that in the regulation now? That was my question.

Mr. KERN. Yes, sir.

Senator WIRTH. I am just reading from that regulation, just to clarify this of March 26th from the Federal Register.

Mr. KERN. One of the things that may be confusing, I have had this question before, is that we put the details of an operation in a document called "Operations Specifications" and not in the regulation. Maybe I should explain——

Senator WIRTH. I just asked you that and you said, yes it was.

Mr. KERN. Yes, and that is true.

Senator WIRTH. Now tell me where it is. I am looking on page 9769 of the Federal Register, Volume 52, No. 58.

Mr. KERN. Yes, sir. The manner in which the FAA regulates any air carrier, and I mention in my statement, it is very difficult to operate in the broad language of a statute or even a particular regulation.

We extend that regulation in aviation to something we call an operation specification. Every operator is a little bit different than others. They have a different training program, they operate different aircraft, or they have different equipment in the aircraft.

So we require them to fly and operate and train and maintain aircraft in accordance with an operations specification. So you will not find an altitude in there for scenic airlines as an example to operate at 8,500 feet.

But what you will find, if you look into the FAA documents that come about as a result of that regulation, you will find particular routes, very precise route, with precise altitudes, precise checkpoints, precise frequencies, and all the other things that it takes to run an airline, like maintenance programs and training, contained in a document that is an extension of the regulation.

That is why I answer that it is in the regulation. We have a tool today that we did not have before that regulation.

Senator WIRTH. And there are on the specific routes, there are specific altitudes. Is that correct?

Mr. KERN. Yes, sir. That is right.

Senator WIRTH. But those may or may not be below the rim of the Grand Canyon. Is that right?

Mr. KERN. That is right.

Senator WIRTH. So the regulation could in fact require people to go below the rim, is that right?

Mr. KERN. Well, as I said earlier, the rim is an elusive thing.

Senator WIRTH. No, but even at certain places, even while the rim is moving up and down, right, that there may be times where the regulations require somebody to fly below the rim, it would require them to fly below the rim?

Mr. KERN. That is true.

Senator WIRTH. So in fact the FAA could have regulations that did require people to fly below where the rim of the Grand Canyon is.

Mr. KERN. Yes, sir.

Senator WIRTH. Now does that seem to you to be the kind of public policy that we ought to be pursuing, to require aircraft to go below the rim of the Grand Canyon?

Mr. KERN. When we started last December with this particular rulemaking project, partly in response to the mid-air collision last summer, the previous summer, and certainly in response to the environmental positions that national parks and others have taken, we had a limited amount of airspace to deal with.

We had an area basically between the level of the rim of the Canyon and the base of other controlled airspace in that area. As Senator DeConcini mentioned, it was not a whole lot of airspace between, about 9,000 feet and the rim of the Canyon.

We were trying to deal with not only the environmental issues, but the tour operators, the fixed wing aircraft, the operators of rotocraft and of course the general aviation community.

We wanted to separate the aircraft vertically and laterally, which we have done in this rule and with the operations specifications, and it just made it impossible to keep everybody above the level of the rim.

While, as I mentioned earlier, the general idea was to get them higher than they were before, and they are higher than they were before, it was not possible to keep everybody above the level of the rim.

Senator WIRTH. You have these regulations on March 26th, and those are now permanent regulations, are they?

Mr. KERN. As of I believe April 27th, they are mandatory. Yes, sir.

Senator WIRTH. No, that was not my question. Again, let us use this language as precisely as we can. I asked you if those were permanent, and you said that they were mandatory.

Let me ask the question again. Are those permanent?

Mr. KERN. The rule we have right now is a Special Federal Aviation Regulation. It is not a permanent rule. The permanent rule will be established on June 15th this summer.

Senator WIRTH. Let me once again ask you, the next time you come before a panel of the Senate I think it is a good idea for you to listen and use the language carefully.

We have been through, I asked you if these things were required. The answer was encouraged. I asked you about the adequacy of the data. Insufficient versus flawed. I asked you if these were permanent, and your answer was off in another direction.

There is a respect for precision in the language on this and other areas, and let me, I am not picking nits, I am just saying I think for the purposes of the record it would be very helpful if you use the language as carefully as possible and as precise an answer to the questions as possible.

Thank you very much. Senator Bumpers?

Senator BUMPERS [presiding]. Thank you, Senator Wirth. And gentlemen, thank you very much.

Our next panel is Senator Gaylord Nelson, counselor to the Wilderness Society, Edward Norton, president of the Grand Canyon Trust, Bill Lienesch, Federal activities director of the National Parks and Conservation Association, Alan Stephen, president of Scenic Airlines, and Ken Walter, Grand Canyon chapter of the Sierra Club.

Senator Nelson, please proceed.

STATEMENT OF HON. GAYLORD NELSON, COUNSELOR, THE WILDERNESS SOCIETY

Senator NELSON. Mr. Chairman and Members of the committee, I would ask unanimous consent that my statement be printed in full in the record as though read.

I am aware that a good deal of material that I have in my statement on the history, background, statute and so forth, has already been repeated by somebody. I will try to get this down to three and a half minutes.

Twelve years ago after Congress directed that the FAA and the Interior Department protect the Canyon from aircraft noise intrusions that adversely affect the, quote, natural quiet of the Canyon, the Interior Department refuses to comply with the Congressional mandate.

Given the continued incredible insensitivity of the Interior Department it is urgent that Congress act. As the committee is well aware, aircraft noise is just one of a multiplicity of destructive activities that are degrading the whole park system.

The State of the Parks Report to the Congress, 1980, listed over 4,300 specific internal and external threats to the parks in several general categories. Little by little, year by year, decade by decade, we are witnessing the insidious, incremental destruction of the park system.

A large percentage of the activities that degrade the parks could be eliminated or substantially mitigated if the leadership in the Interior Department had the interest, understanding, commitment, and the will to do so.

In my judgment nothing short of specific Congressional directives that cannot be evaded will be required to compel the Department to carry out the will of Congress. Designing such directives will take some doing, since Interior has demonstrated a great deal of ingenuity in frustrating the will of Congress and the clear intent of the Organic Act.

The problem will not go away of its own. Increasing park visitations alone provides some indication of the magnitude of the problem. There were about 3 million park visitations in 1930. Thirty million in 1950. Seventy million in 1960. And an estimated 281 million in 1986.

That means there has been an eight time increase in the visitation of the parks in the past 37 years. Well, at that rate if it were only quadrupled you would be up at a billion visitations in the next 38 years, only by quadrupling the number instead of increasing it by nine times.

You can imagine the kind of disaster it will be to the park system unless the management is more careful about protecting the integrity of the system.

The National Park Service Act of 1916, the Organic Act, created the service and the system to, quote, conserve the scenery, and the natural and historic objects and the wildlife therein, to provide for the enjoyment in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The Organic Act set the standard. I have no doubt that the overwhelming majority of Congress and the public agree with the intent and the purpose of the Act. If a bill were introduced to repeal the stated purpose of the Organic Act, it is unlikely a single Member of Congress would vote for it.

Yet, unless something significant is done very soon, the Act will be effectively repealed by the passage of time and events. Intrusions and activities that degrade the parks, adversely affect the wildlife, pressure the resource base, or in any way diminish the natural quality of the parks, should be prohibited wherever feasible and minimized in all other circumstances.

We have enough Disneylands and Coney Islands for those who seek that type of entertainment. But our great national parks are set aside to provide a very different experience. We can have both, but not in the same place.

Congress and the administration have been grappling with this growing problem at Grand Canyon for many years, but the aircraft remain the only substantially unregulated commercial activity in the park. Responsibility for the failure to take action lies squarely at the feet of the Interior Department and the Federal Aviation Administration.

The park service in 1986 began moving toward a proposal to bring about long overdue regulation. Unfortunately, political appointees in the office of Interior Secretary Donald Hodel quashed the park service proposal and ignored the professional judgment of the park service staff.

Under a court-mandated deadline, inspired by a lawsuit filed by the Wilderness Society and the Sierra Club, Assistant Secretary of

Interior William Horn proposed to the FAA in a November 14, 1986 letter that aircraft be banned only in the very innermost gorge of the Grand Canyon, an area well below the rim where almost no commercial sightseeing flights occur anyway.

The action by Mr. Horn makes a mockery of the Congressional mandate to control the aircraft noise problem in the 1975 Grand Canyon Enlargement Act. We believe recent events, particularly the action by Mr. Horn, argue for some strengthening of the bill's Grand Canyon provision.

Specifically, we urge that the committee consider amending the bill to, one, ban all flights below 2,000 feet above the rim, consistent with the FAA advisory circular 91-336C, and two, direct the Interior Department to include large flight free zones in its recommendations to the FAA.

In summary, the Wilderness Society supports the passage of S. 451. Although the problem of aircraft overflight if most severe in the Grand Canyon, many units of the national park system across this nation are adversely affected by aircraft operations.

We believe now is the time to get on with the task of properly regulating aircraft at the Grand Canyon, and to take appropriate steps to ensure that we avoid the creation or perpetuation of similar problems throughout the whole park system, if the Congress fails to act. Thank you.

[The prepared statement of Senator Nelson follows:]

THE WILDERNESS SOCIETY

TESTIMONY OF GAYLORD NELSON, THE WILDERNESS SOCIETY, BEFORE THE UNITED STATES SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, ON THE BILL S. 451, MAY 7, 1987.

Mr. Chairman, members of the Subcommittee, my name is Gaylord Nelson, and I serve as Counselor to The Wilderness Society. The Wilderness Society is a private, non-profit, membership organization, dedicated to the wise management and protection of this nation's public land resources. I am pleased to have this opportunity to represent the Society before you today. We support passage of S. 451.

The Committee is to be commended for undertaking to address the problem of destructive noise intrusions into the Grand Canyon and other national parks. For at least a quarter century the Interior Department and the Park Service have shamefully neglected their responsibility as custodians of the oldest, largest and most magnificent park system in the world.

Even to this day, 12 years after Congress directed that the FAA and the Interior Department protect the canyon from aircraft noise intrusions that adversely effect the "natural quiet" of the canyon, the Interior Department refuses to comply with the congressional mandate. Given the continued incredible insensitivity of the Interior Department, it is urgent that Congress act.

As the Committee is well aware, aircraft noise is just one of a multiplicity of destructive activities that are degrading the park system. The State of the Parks report to Congress in 1980 listed over 4300 specific internal and external threats to the Parks in seven general threat categories. In February 1987 the U.S. General accounting Office, responding to a request from Congressman Vento, published a report stating that 80 percent of the threats identified in 12 national parks in 1980 "were still unresolved at the end of 1985."

Little by little, year by year, decade by decade we are witnessing an insidious, incremental destruction of the park system.

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A large percentage of the activities that degrade the parks could be eliminated or substantially mitigated if the leadership in the Interior Department had the interest, understanding, commitment, and the will to do so. In my judgement, nothing short of specific congressional directives that cannot be evaded will be required to compel the Department to carry out the will of Congress. Designing such directives will take some doing since Interior has demonstrated a great deal of ingenuity in frustrating the will of Congress and the clear intent of the Organic Act.

The problem will not go away of its own. Increasing park visitations alone provide some indication of the magnitude of the problem. There were about 3 million park visitations in 1930; 30 million in 1950; 70 million in 1960; and an estimated 281 million in 1986.

The National Park Service Act of 1916, the "Organic Act", created the service and the system to "...conserve the scenery and the natural and historic objects and the wildlife therein and to provide for...enjoyment...in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The Organic Act set the standard. I have no doubt that the overwhelming majority of Congress and the public agree with the purpose and intent of the Act. If a bill were introduced to repeal the stated purpose of the Organic Act it is unlikely a single member of Congress would vote for it. Yet, unless something significant is done very soon the Act will be effectively repealed by the passage of time and events.

Intrusions and activities that degrade the parks, adversely affect the wildlife, pressure the resource base or in any way diminish the natural quality of the parks, should be prohibited whenever feasible and minimized in all other circumstances. We have enough Disneylands and Coney Islands for those who seek that type of entertainment. But, our great national parks are set aside to provide a very different experience. We can have both, but not in the same place.

In 1906, Zane Grey wrote of the Grand Canyon: "One feature of this ever-changing spectacle never changes, its eternal silence."

Today that silence is gone, replaced by the noise of low-flying tourist planes and helicopters. In 1985, then Governor Bruce Babbit of Arizona testified that the noise in the Canyon is "...equivalent to being in downtown Phoenix at rush hour or listening to an alarm clock go off, and that's not what a national park is for."

A couple of years ago, the Federal Aviation Administration issued Advisory Circular Number 91-36C. Its purpose was to encourage pilots making VFR flights over units of the National Park System and other conservation units to maintain an elevation of at least 2000 feet. It hasn't worked.

At **Haleakala National Park**, a half dozen tour operators utilize helicopters for scenic overflights. When weather and viewing conditions are good, helicopters can be seen and heard over the park virtually from sunrise to sunset. For example, on March 26th of last year, 41 flights were observed and logged during one 7.5-hour period by a researcher within the crater wilderness. Most of these were inside the rim of the crater, and several were very close to the surface.

On December 22, 1984, a National Park Service (NPS) Ranger on horseback was buzzed at Haleakala by a helicopter flying at 50 feet above the surface. The pilot repeated the stunt 12 minutes later at 30 feet. During each of the last six years, an average of 110 aircraft were observed and reported flying at less than 2000 feet by park personnel. The actual number is likely much larger since these are incidental observations made by NPS personnel while performing routine duties. Funding has not been available for instituting a formal overflight monitoring program.

Surveys of Haleakala National Park visitors indicate that 41 percent of backcountry users "found the presence of tourist helicopters to be the worst part of their park experience." The majority of these flights occur in and around the cinder cones in the central crater. This area is an historic burial ground considered sacred by many native Hawaiians. Also affected are important public use areas within the crater wilderness and important habitat for endangered Hawaiian birds.

Hawaii Volcanoes National Park also has a growing overflights problem. Logs indicate that last spring and summer, 136 detailed observations of aircraft were recorded well below the 2000-foot level. The Superintendent of the park indicates that these observations represent only 60% of the actual flights since observations are made only sporadically by park personnel. We believe his 60% estimate may be high because 28 of the 136 sitings were logged on one day: June 2.

At **Sequoia and Kings Canyon National Parks**, military jets commonly fly at low elevations down the canyons, frightening visitors and disturbing wildlife.

At **Glacier National Park**, low-elevation scenic helicopter flights have been observed time and time again by park staff and visitors. Several incidents have been observed by grizzly bear researchers whose study of bear behavior has been disrupted by the intrusion of the helicopter noise and vibration.

At **Cumberland Island National Seashore**, private and military aircraft routinely fly the nineteen-mile length of the pristine beach at very low elevations -- sometimes even landing on the beach. Not only do these flights annoy visitors, and in some instances compromise their safety, but the natural quiet of the island's designated wilderness is lost as well.

At **Glen Canyon National Recreation Area**, aircraft operators commonly utilize 3 maintained airfields and a number of informal airstrips within the boundary. The commercial airport at Page, Arizona, just outside the boundary, serves as a point of origination for scenic overflights of the pristine southern Utah and northern Arizona canyon country. Float planes have virtually unrestricted landing rights on the surface of Lake Powell itself.

Unscheduled low altitude military flights occur on a regular basis. NPS personnel recently observed six B-52 aircraft in one 30 minute period flying at 500 feet above the surface. Fighter jets are commonly seen (8-12 per day) flying at very low altitudes. Now, there is a proposal to "upgrade" the airstrip at Hall's Crossing.

This upgrade began with a Park Service proposal to perform minor maintenance and to solve recurrent maintenance problems. However, with the active backing of local interests, the "upgrade" proposal now includes reconstruction of the airstrip to FAA standards, suitable for use by small jets. This is not an appropriate facility for a National Recreation Area. We are concerned both by the direct impact of flight operations into and out of the proposed airport, and with the scenic overflight activity the facility may stimulate.

Mr. Chairman, the examples go on and on. Indeed, it is rare to find an NPS unit that is not affected by the noise of scenic overflights. However, the most graphic example of the pervasive impact of aircraft noise on our parks occurs in **Grand Canyon National Park**. Here, more than 50,000 annual aircraft flights disrupt the solitude of this great natural wonder.

Congress and the Administration have been grappling with this growing problem at Grand Canyon for many years, but aircraft remain the only substantially unregulated commercial activity at the park. Responsibility for the failure to take action lies squarely at the feet of The Interior Department and Federal Aviation Administration (FAA).

In 1975, Congress passed the Grand Canyon Enlargement Act. Among other things, this law directed the Interior Department and the FAA to take appropriate action to protect the park whenever aircraft cause a "significant adverse effect on the natural quiet and experience of the park." According to records kept by the FAA, at the Grand Canyon National Park Airport, the number of flight operations (an operation is a take off or a landing) has increased almost five-fold from 20,662 when the Enlargement Act passed, to 97,123 nine years later. Although there was a temporary drop-off in the number of flights in recent years as some air tour companies switched to larger planes, the Arizona Department of Transportation anticipates another doubling in flight operations by the year 2003.

Clearly the Interior Department and the FAA have let this problem get out of hand. They have moved at a snail's pace while the severity of the problem has grown rapidly. But the inaction cannot be blamed on a lack of data. Since 1971 at least eight surveys and studies, both public and private, have found that aircraft noise is clearly degrading the natural quiet of the canyon.

After years of delay and a five-fold increase in the number of tour flights, the Park Service finally initiated a process several years ago to prepare an aircraft management plan for the park. The process started with informal meetings with air tour operators, then included meetings with conservationists, and finally a series of public hearings in Phoenix, Flagstaff, San Francisco and Las Vegas.

This Park Service process revealed widespread support for meaningful regulation to protect Grand Canyon National Park from aircraft noise. Hundreds of citizens testified or wrote letters to the Park Service in support of the Quiet Canyon Proposal, (an outright ban on all but essential flights) endorsed by The Wilderness Society and a coalition of other groups. A poll conducted by Behavior Research in 1986 indicates that 8 out of 10 residents of Arizona's two most populated counties favor limiting or banning sightseeing flights over the Canyon. Editorials in major newspapers across the country also supported meaningful regulation.

Armed with a number of scientific studies and strong public support for control, the Park Service in 1986 began moving toward a proposal to bring about long overdue regulation. Documents acquired through the Freedom of Information Act indicate that the Grand Canyon National Park staff had endorsed an alternative to ban all flights below the rim of the canyon and to establish flight free zones in noise sensitive areas over 30% of the park in certain seasons. The Western Regional Office took that proposal one step further by proposing that approximately half the park be in a permanent flight free category.

Unfortunately, political appointees in the office of Interior Secretary Donald Hodel quashed the Park Service proposal and ignored the professional judgement of the park staff. Under a court-mandated deadline inspired by a lawsuit filed by The Wilderness Society and Sierra Club, Assistant Secretary of Interior William Horn proposed to the FAA in a November 14, 1986, letter that aircraft be banned only in the very inner-most gorge of the Grand Canyon -- an area well below the rim where almost no commercial sightseeing flights occur anyway.

The action by Mr. Horn makes a mockery of the Congressional mandate to control the aircraft noise problem in the 1975 Grand Canyon Enlargement Act. It short-circuits the many years of study and cripples the ability of the FAA to take regulatory action consistent with sound public policy and Congressional guidance.

The FAA has issued final interim Special Federal Aviation Regulations for aircraft operations in the vicinity of the Grand Canyon. Unfortunately, these regulations would do almost nothing to control the noise problem. The two major flaws in the FAA regulations are: 1) the failure to recommend large flight-free zones and, 2) the granting of special privileges for commercial tour operators to continue to fly at low altitude.

These regulations would permit continuation of the air tour industry at the Grand Canyon without significant change from present procedures. Under the interim regulations, each tour operator is given a special permit (included in part 135 flight manuals that each tour operator already has) to fly within a specially designated area over and into the canyon. This is simply unacceptable because commercial air tours represent up to 90% of all flights at the canyon and their present procedures have been proven to have a significant adverse effect on the natural quiet and experience of the park.

Because the Administration has failed, so miserably, to comply with the mandate of the 1975 law, we believe it is essential for Congress to give clearer direction. The bill before you today achieves this goal by 1) finding that aircraft are causing a significant adverse effect on the natural quiet and experience of the park, 2) directing the Interior Department and the FAA to substantially restore the natural quiet of the park and, 3) by outlining a specific step-by-step procedure, with realistic deadlines, for implementation of an aircraft management plan.

Mr. Chairman, we believe there are several minor changes to S. 451 that are necessary. First, we recommend that the language in Section 1(c) be changed to ensure that a minimum of ten NPS units are studied in detail. This can be accomplished by deleting the phrase "...and at **no more than** 4 additional...units"; and inserting in lieu thereof, the phrase "...and at **no fewer than** 4 additional...units." Such a change will ensure that the Congress receives enough detailed analysis in the final report, while preserving NPS administrative discretion in the selection of at least four additional park units for detailed study.

Secondly, in Section 2(d), it will be important for the Committee to clarify that interim restrictions at Yosemite and Haleakala, do not apply to legitimate, limited, administrative uses of aircraft. Several exceptions are noted in Section 2(d), none of which pertain to any limited and appropriate use of aircraft by park managers for administrative purposes.

Finally, we believe recent events, particularly the action by Mr. Horn, argue for minor strengthening of the bill's Grand Canyon provision. Specifically, we urge the committee to consider amending the bill to 1) ban all flights below 2000 feet above the rim, consistent with FAA Advisory Circular 91-36C, and 2) direct the Interior Department to include large flight-free zones in its recommendation to FAA.

These minor amendments will help ensure that the canyon regulations comply with national park policy and will establish back country areas in the park where the opportunity to experience the tranquility of the Grand Canyon is restored. We note, however, that even these amendments may not ensure restoration of the natural quiet of the canyon as required under the language of this legislation. Ultimately, more protective steps may be needed, including careful consideration of the recommendations of the Western Regional Director of the National Park Service.

In summary, The Wilderness Society supports passage of S. 451. Although the problem of aircraft overflight is most severe at the Grand Canyon, many units of the National Park System across this nation are adversely affected by aircraft operations. We believe now is the time to get on with the task of properly regulating aircraft at the Grand Canyon, and to take appropriate steps to ensure that we avoid the creation or perpetuation of similar problems at other parks.

Thank you.

Senator BUMPERS. Thank you, Senator Nelson.
Mr. Norton?

STATEMENT OF EDWARD M. NORTON, JR., PRESIDENT, THE GRAND CANYON TRUST

Mr. NORTON. Thank you, Senator Bumpers. I would like to submit my statement to the record and confine my testimony specifically to a response to Mr. Kern and the FAA's testimony.

And I would like to, if you will, take my text from the statement made by Senator Wirth that I think when testifying we ought to try to at least be precise, because to be candid about it I find Mr. Kern's testimony disturbing, highly inaccurate and misleading, and not really what we have a right to expect from a public official under these circumstances.

The truth is that the SFAR about which Mr. Kern testified represents a giant step backward in the efforts that we have all been involved in over the last three or four years, to control flights to the Grand Canyon.

This SFAR does nothing more than to codify the existing situation at Grand Canyon, which the House of Representatives and the National Park Service has found to be having a substantial adverse impact on the natural quiet and experience of the park.

And this regulation is structurally flawed and really violates just about every principle of having an open, public process in determining these types of regulations that I can think of.

Let me be very specific about that. Mr. Kern testified that the regulation, and I am quoting him exactly, would totally eliminate aircraft flight over 9,000 feet mean sea level, or below 9,000 feet mean sea level in vast areas of the park.

If I could just refer to the map that was used by Senator DeConcini. This is a map that we had prepared which showed, based upon the latest information that we had been able to get from the FAA, and let me tell you that determining what the FAA is really proposing to do is like shooting at a constantly moving target.

The areas that are in red show the proposed FAA what they call flight sensitive areas. And the red route lines show the routes that they are now proposing to approve. The green area shows the area covered by the FAA's proposed SFAR.

Let me take that last point first. The green area does not even cover all of the Grand Canyon National Park. It omits a large area up in the northeastern corner of the park, which is the Marble Canyon area, and the FAA is not even proposing to deal with flights in that particular area of the park.

But I think that you can just see from the size of the red areas, which are substantially less than the flight-free areas that the park service recommends, that that is hardly a ban or a prohibition on flights over a substantial part of the park.

The maximum area represented by the park services of flight-free zones were 30 percent of the park. The smaller areas, which are in the dark gray, are around 15 percent of the park. And the red areas, which are the latest version of the FAA's proposed noise sensitive areas, have got to therefore be less than 10 to 15 percent of the park. Hardly a prohibition on flights over vast areas of the national park.

The other problem with the FAA regulations, which is what I think Senator Wirth was getting to, is that these so-called routes and altitude limitations are not part of any regulation. They are part of flight operation specifications that the FAA negotiates in private sessions with the air tour operators.

These regulations really reflect nothing more than a cozy arrangement between the FAA and the air tour operators. They can be changed at any time without any public notice whatsoever. And new air tour operators who come in can get routes approved and altitude limitations by the FAA, again with absolutely no protection whatsoever in terms of a public process.

I think that it is fair to say that in our experience in trying to deal with the FAA and their points on jurisdiction, it really is almost like the old Aesop fable, the dog and the manger. The FAA does not want any other agency to do anything about regulating airspace over the Grand Canyon, either in terms of environmental impact.

But they certainly are not going to do anything about it either. The notion of protecting the resource that this national park was established to protect gets at best third or fourth priority from the FAA, in terms of the convenience of the flying public, the freedom of travel, the efficient allocation of airspace and safety.

All of those factors come along before the protection of this vital resource. That concludes the remarks that I have. Thank you.

[The prepared statement of Mr. Norton follows:]

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TESTIMONY OF EDWARD M. NORTON, JR., PRESIDENT, THE GRAND CANYON TRUST, BEFORE THE UNITED STATES SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, ON THE BILL S. 451, MAY 7, 1987.

Mr. Chairman and members of the Subcommittee, my name is Edward M. Norton, Jr. I am President of the Grand Canyon Trust, a regional nonprofit conservation organization dedicated to the preservation and wise management of the public lands, water, and other natural resources of the Grand Canyon and the Colorado Plateau.

The Grand Canyon Trust strongly supports passage of S. 451. The bill requires the National Park Service and the Federal Aviation Administration to take the necessary first step to protect the National Park System from the growing threat presented by all types of aircraft operations. Unregulated and uncontrolled aircraft operations adversely impact both the natural resources our national parks were created to protect and the safety of visitors to the national parks.

The study called for in S. 451 will give the Congress, the National Park Service, the Federal Aviation Administration, and all interested parties the essential information to make decisions and to formulate rules and regulations to protect our national parks and visitors to the parks. We hope that the studies and recommendations from the Department of Interior and the FAA will prevent the harmful and dangerous circumstances that now exist at the Grand Canyon from developing at other national parks. We wish to express our appreciation to the Chairman and members of this Subcommittee and to the co-sponsors of S. 451 for your efforts to forge a sensible solution to a difficult issue.

Other witnesses today will detail the nature and extent of the aircraft problem throughout the National Park System. I will confine my testimony to aircraft operations at the Grand Canyon and to Section 3 of S. 451 which applies specifically to Grand Canyon National Park.

In 1975, Congress realized that aircraft operations at the Grand Canyon were a growing threat to the natural quiet and experience of this magnificant national park and to the safety of park visitors. Accordingly, Congress passed Section 8 of the Grand Canyon National Park Enlargement Act, directing the Secretary of the Interior and the FAA to take action to protect the natural environment and public safety.

Since 1975, aircraft flights over Grand Canyon National Park have grown to approximately 50,000 flights annually, and almost 350 flights a day in July and August. An estimated 80% to 90% are low altitude tour flights. Existing air tour routes overfly all of the most heavily used back country areas. Commercial aviation, military jets, and general aviation also contribute to the impact on the Park. Aircraft operations at Grand Canyon National are not regulated or controlled in any way.

Many visitors complain that aircraft noise detracts from their experience in the Park. The National Park Service considers that aircraft are the primary resource management issue at Grand Canyon National Park. There have been 51 aircraft accidents since 1975, and the tragic accident in June 1986, which killed 25 people, underscores the danger of unregulated aircraft operations to visitor safety.

After more than 10 years of study and extensive public involvement, the National Park Service determined that aircraft operations are having a substantial adverse impact on Grand Canyon National Park. (A copy of the National Park Service's finding of significant adverse impact has been submitted for the record). The House of Representatives strongly supported the National Park Service in the legislative findings to H.R. 4430, which passed last year by a bipartisan vote of 378-12, and H.R. 921 which passed earlier this week.

The National Park Service, fulfilling its responsibilities under the Grand Canyon National Park Enlargement Act, developed two alternative proposed aircraft management plans, recommending the creation of Special Use Airspace, flight free zones and setting minimum altitudes for flights in the park. One alternative would prohibit all flights below 14,500 feet over approximately 50% of Grand Canyon National Park and all flights below 8,500 feet over the rest of the Park. The second Park Service alternative would prohibit all flights below the rim of the Grand Canyon and would create clearly delineated permanent and expanded seasonal flight free zones.

Unfortunately, the Secretary of Interior and the FAA have frustrated the clear mandate of Congress, set forth in the Grand Canyon National Park Enlargement Act, to take action to protect Grand Canyon National Park from the adverse impact of aircraft operations. Both agencies have refused to take action to address the impact of aircraft noise on the Grand Canyon. Assistant Secretary of Interior for Fish and Wildlife and Parks, William Horn, rejected the National Park Service's and the House of Representative's determination that aircraft operations are having an adverse impact on the natural quiet and experience of the Grand Canyon National Park. In a letter to the FAA Administrator dated November 14, 1986, the Assistant Secretary concluded that "existing data does not provide a sufficient basis for making management decisions or recommendations related to noise" and recommended additional study by the FAA and the Department of Interior.

In December 1986, the FAA proposed an interim Special Federal Aviation Regulation ("SFAR") for aircraft operations at Grand Canyon National Park. This interim SFAR went into effect on April 27, 1987. Although the SFAR addresses the important issue of safety, it completely fails to remedy the adverse impact of aircraft noise on the natural quiet and experience of the Canyon. The SFAR does not require any substantial changes in commercial tour operations at Grand Canyon National Park. Accordingly, the proposed interim regulations have the effect of codifying the existing aircraft operations at Grand Canyon National Park, which the National Park Service and the House of Representatives have determined are having a significant adverse impact on the natural quiet and experience of the park.

Section 3 of S. 451 recognizes that the time for study of the impact aircraft operations at Grand Canyon National Park has long since past. The Department of Interior and the FAA have adamantly refused to take action despite efforts by members of Congress to find non-legislative solutions, despite efforts by the National Park Service to develop an aircraft management plan, and despite a federal court lawsuit. Section 3 of S. 451 will break this impasse. The bill achieves four important and positive results:

(1) S. 451 contains legislative findings that establish that aircraft operations are currently having an adverse impact on the natural quiet and experience of the Grand Canyon. These legislative findings in Section 3 override Assistant Secretary of the Interior William Horn's determination that "existing data does not provide a sufficient basis for making management decisions or recommendations related to noise." The FAA uses Assistant Secretary Horn's letter as justification for its failure to take action on the noise impact of aircraft operations on Grand Canyon. Section 3 resolves that issue once and for all.

(2) S. 451 sets a deadline by which the FAA and Interior must act. Given the FAA's and Department of Interior's continued recalcitrance and irresponsible refusal to act, a statutory deadline is essential. Almost twelve years after passage of the Grand Canyon National Park Enlargement Act, after a two year effort by the National Park Service to develop an aircraft management plan for the Grand Canyon, aircraft operations over the Grand Canyon still remain totally unregulated and uncontrolled for purposes of protecting the resources of the park. Section 3 of S. 451 sets a realistic timetable.

(3) S. 451 establishes standards and required elements for a final aircraft management plan for Grand Canyon National Park. Section 3 requires the final aircraft management plan to provide for "substantial restoration of the natural quiet and experience of the park and protection of public health and safety from adverse effects associated with aircraft overflight." Section 3 also requires the final plan to ban all flights below the rim. These provisions give necessary guidance to the National Park Service and the FAA in developing a final plan. For reasons that I will explain in more detail, we recommend that Section 3 also require the final plan to designate Special Use Air Space, flight free zones, and corridors or routes for aircraft operations.

(4) S. 451 maintains the proper allocation of responsibility and jurisdiction between the Department of Interior and the FAA. Under Section 3, the National Park Service is required to develop and recommend an aircraft management plan. This requirement is consistent with the National Park Service's responsiblity to conserve the resources of the park and to provide for the enjoyment of those resources "in such a manner and by such means as will leave them unimpaired

for the enjoyment of future generations." Under Section 3, the FAA retains final and plenary regulatory authority over the issue of safety and the allocation of airspace, altitudes, and air traffic routes.

The Grand Canyon Trust recommends that Section 3 of S. 451 be amended to require the final aircraft management plan to include flight free zones and corridors or routes for aircraft. In developing a proposed aircraft mangement plan, the National Park Service recognized that minimum altitudes restrictions, standing alone, would not sufficiently mitigate the impact of aircraft operations over the Grand Canyon. Accordingly, the National Park Service recommended two alternative proposals establishing Special Use Air Space flight free zones. Flight free zones are the only regulatory mechanism that will create noise free areas and thus achieve the objective of substantial restoration of the natural quiet and experience of the Grand Canyon.

Thank you again for the opportunity to testify today and for your efforts to protect the Grand Canyon.

Senator BUMPERS. Thank you very much, Mr. Norton.

Mr. Lienesch?

STATEMENT OF WILLIAM C. LIENESCH, DIRECTOR OF FEDERAL ACTIVITIES, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. LIENESCH. I am Bill Lienesch with the National Parks and Conservation Association.

We are in total support of the legislation and in my comments and in the testimony I will mention a few minor changes we would make in order to strengthen the legislation.

Most of the comments today understandably have been about the Grand Canyon and about the parks in Hawaii, because those are where the major problems are today.

But a major portion of this legislation is intended to look at some of the other parks, parks that do not have as many problems today but may face very severe problems, even though they have some but not severe ones, severe ones in the future, so that the study provisions of Section 1 are also very important. I will focus on those mostly but not exclusively.

Let me just add as a little bit of background that we believe, as many others have testified today, that there is a growing problem. We have a regional representative in Salt Lake City, and she is very concerned about the parks in Utah.

Existing problems, but more so the future problems that are likely to crop up in the next five or ten years at places like Glen Canyon, Bryce and Rainbow Bridge.

On the east coast, just to give you another example, about two months ago we received notice from the military that they were proposing some training areas near Cape Lookout National Seashore.

The documents that they provided to look at the effects of these aircraft training areas out over the ocean, but which would require flights back and across the coastline, were very flawed. But in one respect they were very accurate.

They described the effect on Cape Lookout, on the visitor there, when the flights would be going out and coming back from these areas, some below 500 feet, as the same as having a chainsaw next to you as a visitor at the national seashore.

So the problems are not exclusively western, they are not exclusively with the aircraft of commercial activity. There are also some very real problems with military aircraft as well.

In the testimony I have several suggestions. I suggest that there be changes in the legislation itself. But they could just as easily be in the report language, though we would prefer to see them in the legislation, so that the legislation would be stronger and there would be no doubt about the requirements being placed on the park service and the FAA.

One of the areas where we have a suggestion has been mentioned by many people, and that is the institution of flight-free zones, and I will not go into that in any greater detail, but obviously that is a very major consideration.

With regard to Section 1, which deals primarily with the study requirements, we are very concerned that it is clear on the park service and the FAA that they need to look at the impacts on visitors and on the natural quiet. And we suggest some language that can be added in those sections to make that very explicit.

One of the reasons that we want to do that is that we have had in the last six years especially some concern in the park service where they take very narrow interpretations of the law and what they have to do.

Some of that, for example, in some of the water quality work that we have done, there is some very narrow interpretations that they only need to look at very specific provisions of enabling acts for the park that is concerned, rather than looking at the Organic Act for the park service, for example, that is much broader, but we feel also applies to all the units of the park system.

You do not just look at the specific enabling acts of the given unit. So we want to make sure that this legislation is as broad and as directive to the park service and the FAA as possible.

And the final change that I would recommend is that the legislation as currently set up would have up to 10 studies being done in the parks and names, I believe, six units that specifically must be studied. We would recommend, given the large number of problems we see coming, that at least 10 units be studied, and set a lower limit rather than a cap on the number of areas that can be examined specifically by the park service as they study this problem nationwide.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Lienesch follows:]

STATEMENT OF WILLIAM C. LIENESCH
DIRECTOR OF FEDERAL ACTIVITIES
NATIONAL PARKS AND CONSERVATION ASSOCIATION

Before the
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
ON S. 451

May 7, 1987

My name is William C. Lienesch, Director of Federal Activities for the National Parks and Conservation Association, a nonprofit membership organization founded 68 years ago to promote the protection, enhancement, and public understanding of the National Park System.

Our Association appreciates this opportunity to offer comments on S. 451, legislation to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flights over units of the National Park System. We enthusiastically support this legislation. During the past few years, we have become progressively aware of and concerned about increasing numbers of aircraft flying over the national parks -- commercial air tour flights, private aircraft, and military airplanes on or deviating from training flights. This trend toward generally greater numbers of overflights is producing a growing noise impact upon the national parks, upon park visitors on the ground, and quite possibly also upon park wildlife and other natural and cultural resource values that the parks are intended to protect and preserve.

In short, the natural quiet and peace, that visitors expect to experience in the national parks, is becoming increasingly difficult to find in many areas. Most notably is this true for many visitors seeking to experience the awesome peace and tranquility within the Grand Canyon. In addition, there are unauthorized military flights, some at more than 500 miles per hour, occurring in the Grand Canyon and elsewhere in airspace currently used by air tour flights.

Hikers in Grand Canyon NP are often rarely free of the sounds of aircraft--both helicopters and fixed-wing. Summer visitors at Point Sublime on the Canyon's North Rim are greeted by a steady parade of helicopters bringing their passengers to view Indian ruins in the cliffs below the point. Helicopters have also imposed massive vibration-and-sound impacts upon on-the-ground visitors at such extraordinarily magnificent places within Grand Canyon as the falls of Thunder River and Deer Creek. Back-country hikers in the park may spend days reaching some tranquil wilderness spot in the Canyon, only to have the sense of peace shattered by the whine or roar of an airplane close overhead.

At Yosemite National Park, in the half-light and calm of dusk, one of our staff members recently heard the deafening scream of a jet aircraft (possibly a military training flight) that flew from one end of Yosemite Valley to the other--either just within the Valley or barely above the elevation of the

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Valley rims; then returned moments later to repeat the flight in the opposite direction. So all pervasive was the quiet-shattering sound that it completely flooded Yosemite Valley with the echoing noise.

At Sequoia/Kings Canyon National Parks, military training flights regularly zoom down some of the wild canyons of these wilderness parks causing enormous sound disturbances for park visitors attempting to enjoy the natural quiet. We could cite other examples, including helicopter tour flights at Bryce Canyon, low-flying military flights over the desert landscapes of Organ Pipe Cactus, and tourist flights over such other areas as Hawaii Volcanoes and Mount Rushmore.

We want to make clear that we do not oppose flying, per se. In fact, we enjoy airplane flights--both helicopter and fixed-wing--as much as any other flying enthusiast. But when it comes to protecting the national parks, which have been set aside to preserve not only the extraordinary natural landscapes and the natural and cultural resource values, but also the natural peace and quiet that is an integral part of experiencing these national treasures--as explicitly referred to in the Grand Canyon National Park Enlargement Act of 1975, we strongly urge that it is essential for aircraft overflights not to be accorded a privileged or dominant position that permits them to impair the quality of park experience of on-the-ground visitors. Meaningful solutions must be found and be made enforceable by which those who hike the trails, camp, picnic, or simply seek peace and tranquility amid America's grandest landscapes, are afforded the chance free of the pervasive noise of aircraft.

Concerning the broad question of "legitimacy" of air tour flights over national park system units, it seems clear that air tours do not always have to be recognized or allowed over the whole of particular parks or over especially sensitive parts of parks. What, in fact, might be "acceptable" over one park or over one area of a park may not be acceptable elsewhere.

We should not neglect to mention, in this context, that there are some air tour company representatives at Grand Canyon who have responded to increasing public criticism with expressions of concern for the impacts their flights are imposing upon others. In fact, some company executives have indicated, among other points, that they are willing: (1) to make meaningful flight-pattern adjustments to avoid possible National Park Service-proposed flight-free zones above Grand Canyon National Park; (2) to accept a regulatory ban of all tourist flights within the Canyon's Inner Gorge; and (3) to use quieter equipment and to operate aircraft in a manner that reduces noise impacts. In addition, one major air tour company already avoids flying below the elevation of the Canyon rims in the main part of Grand Canyon.

These appear to be encouraging indications of the air tour industry's growing awareness of public annoyance and disapproval of aircraft overflight impacts upon Grand Canyon National Park. In a few instances, at least, there are some voluntary initiatives already being undertaken; and there are some expressions, that we hope are sincere, of a strong willingness to comply with agreements to make needed changes in Grand Canyon overflights.

As encouraging as this evidence of a spirit of cooperation is, however, we must point out that voluntary compliance is vulnerable. In the past, the voluntary agreement strategy has largely failed when one or two unfairly competitive air tour companies have chosen to ignore the terms of voluntary agreement provisions. We wish the voluntary approach to aircraft overflight management would work, that it could be relied upon; yet, past experience does not encourage faith that it can be make to work effectively in the future. We urge, therefore, that some regulatory approach is essential--not only to assure that the flight-management system can be enforced for the good of the national parks, their visitors, and their resource values; but also for the protection of those companies desiring to comply with flight constraints and desiring to invest in quieter equipment. Not only should there be meaningful regulations, but there should be real incentives for compliance.

Regarding aircraft sound levels, a major problem at Grand Canyon is that underpowered helicopters, in use for tour flights, have to be operated at full power. This results in greater sound and vibration impacts than would otherwise be necessary. Also, a particular problem with helicopters is that there are no minimum altitude restrictions for them, as long as there is no danger to persons or property on the ground. Clearly this circumstance is contrary to the basic need to protect the natural quiet of the park. All aircraft, whether helicopters or fixed-wing, ought to be required, by specific regulatory incentives, to meet meaningful sound standards or else simply not be permitted to fly over national park lands. Some of the air tour operators at Grand Canyon agree with this incentives approach.

Regarding the question of minimum flight elevations, the Federal Aviation Agency (FAA) has had a 2,000-foot advisory over National Park System units in effect for sometime (FAA Advisory Circular #91-36C). An advisory is, of course, not a regulation and cannot, therefore, be "violated." But at Grand Canyon and at other parks, the advisory's urging has been virtually ignored from the day it was issued. The advisory defines the surface as "the highest terrain within 2,000' laterally of the route of flight, or the uppermost rim of a canyon or valley." At Grand Canyon, adherence to this FAA advisory would bring all aircraft (except those on emergency or essential management flights) out of the Canyon and up to at least 2,000 feet above the elevation of the Canyon rims; that is, to somewhere around 9,000 feet above sea level.

It is interesting to note that the Bureau of Land Management has signed an interagency agreement with the FAA concerning the use of navigable airspace over designated wilderness areas under BLM administration. Under this agreement aircraft are to fly no lower than 2,000 feet above the ground level. The BLM anticipates "the agreement should reduce noise pollution and wildlife disturbance."

We have a few recommendations for amendments to S. 451 for the Subcommittee's consideration. First, we suggest that the scope of S. 451 be expanded in general and specifically in the case of the Grand Canyon beyond the study of minimum flight elevations --- to include, as well, a study of possible flight-free zones and bans on all but emergency flights during certain hours of day and/or times or year and a study of ways to create meaningful incentives for air tour companies to do whatever is needed to comply with noise standards. Second, under Section 1(b) "General Requirements of Study," we suggest the first sentence be expanded as follows [new words underscored]: "The study shall identify any problems associated with overflight by aircraft of units of the national park system and shall provide information regarding the types of overflight which may be impacting on park unit resources and impacting upon visitor enjoyment and use and upon natural quiet." Third, Section 1(c)(3) should be reworded so as to delete the words: "....for which the park system units were established." This expression is potentially subject to a very narrow interpretation that is not intended by this legislation. Therefore, the wording should leave no doubt that all resource values within the National Park System units are intended to be covered, as for example: "Other injurious effects of flights over park system lands on any and all of the natural, historical, and cultural resources within the national park system units [new words underscored]."

We would also recommend that the Subcommittee consider changing the language in Section 1(c) to ensure that at least ten National Park System units are studied. Finally, we urge the Subcommittee to review the language regarding aircraft in the Grand Canyon Park Enlargement Act of 1975 and to incorporate applicable language from that legislation in S. 451.

We wish to conclude by quoting from two articles. The first quotation is from an article, "Aerial Tours Over Protected Land," in the July-August 1985 FAA General Aviation News:

> Many visitors travel thousands of miles at great personal expense, and may also hike or climb many exhausting miles. When the experience is marred by the roar of aircraft engines or rotor blades close by, the visitors are understandably irked, the agency officials are criticized, and Congressional representatives are petitioned... Parks are for the enjoyment of people...But we airmen must learn to show respect and concern for the objects of our attention, or we may lose our welcome...pilots who understand and cooperate with the flight restrictions for National Parks...can contribute importantly to the preservation of our national heritage...."

The second quotation is from an article, "Park Etiquette," in the February 1986 AOPA Pilot Magazine:

> "National Parks...are established to preserve and protect wildlife and scenic lands and waters. The solitude and natural quiet are a part of the unspoiled environment that is meant to be protected. Noise generated by low-flying aircraft can offend people visiting federal parks and scare wildlife. Vibrations, especially from helicopters' blades, can cause physical damage to fragile geologic formations...In the case of national parks...,outlined in dotted and solid blue lines on [aeronautical] charts, that means...a minimum crossing altitude of 2,000 feet agl."

Mr. Chairman, that concludes my testimony. I will be happy to answer any questions you may have.

Senator BUMPERS. Thank you, Mr. Lienesch.

The next witness is Alan Stephen, president of Scenic Airlines.

STATEMENT OF ALAN R. STEPHEN, PRESIDENT, SCENIC AIRLINES, INC.

Mr. STEPHEN. Thank you, Senator. Scenic Airlines and an affiliated company, Grand Canyon Airlines, a copy of their statement is attached to mine, support enactment of this legislation, overflight legislation.

We believe this overflight legislation is necessary to help resolve an impasse that you have heard about today. The FAA has taken steps towards regulating the environment over the Grand Canyon with a special SFAR. I could certainly answer some questions clearly so that we are under that regulation.

We also find that that is just a starting point to try to define an environment, a Grand Canyon operating environment, which can in fact satisfy the need for the restoration of the peace and environment of the park, while still providing fantastic visual activity for many hundreds of thousands of passengers per year.

In our testimony I have noted that Scenic Airlines has been in this business for 20 years. We are the largest overflight operator. We operate 19-seat airplanes. We have taken this issue very seriously.

Senator BUMPERS. What kind of airplane?

Mr. STEPHEN. They are 19 seat, high-wing Twin Otters that are especially modified, a special STC that we own, with picture windows.

We have modified those airplanes with quiet props. The Twin Otter by itself is quiet enough to fly in and out of National Airport at night; that is one of the strongest curfews we have got in this country in an airport. That is unmodified.

Modified, with our special quiet prop conversion, we reduce the noise footprint another 62 percent on the Twin Otter. We are flying above the rim. We have always flown above the rim.

We are in compliance with scheduled airline safety rules. We see the process of the SFAR and this legislation, and ultimately the environmental community, the park service, the FAA and the overflight operators, coming together to find a successful solution to the noise that exists in the Grand Canyon over large areas.

We are committed to that process, and we support this legislation. I would be happy to answer your questions at the appropriate time.

[The prepared statement of Mr. Stephen follows:]

SCENIC AIRLINES

TESTIMONY OF
ALAN R. STEPHEN
PRESIDENT
OF
SCENIC AIRLINES, INC.

BEFORE THE
PUBLIC LANDS, NATIONAL PARKS AND FOREST SUBCOMMITTEE OF THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
ON

S.471
LEGISLATION CONCERNING
OVERFLIGHTS OF NATIONAL PARKS

MAY 7, 1987
WASHINGTON, D. C.

I am Alan R. Stephen, President of Scenic Airlines, a Las Vegas-based air tour company providing scheduled sightseeing activity over the Grand Canyon. On behalf of our company, its 200,000 annual passengers and 170 employees, I appreciate the opportunity to testify here today. The statement of Grand Canyon Airlines, a company affiliated with Scenic based at the Grand Canyon South Rim Airport and providing local air tours, is also attached. Together, Scenic and Grand Canyon Airlines carry more than fifty percent of all canyon sightseeing passengers.

We vigorously support the prompt enactment of overflight legislation. This legislation, in our view, is necessary to assure that the National Park Service (NPS) and the Federal Aviation Administration (FAA) work together to promulgate an Aircraft Management Plan that substantially restores the natural quiet and experience of the Grand Canyon National Park while promoting the highest level of air safety. We support this legislation because we believe it is in the best interest of the aerial sightseeing industry and because we believe that aerial sightseeing of the Grand Canyon can be consistent with the preservation of this preeminent natural resource. During the next few minutes, I would like to describe why.

Scenic Airlines and Grand Canyon Airlines are part of a group of companies that provide full service capability to support tourism of the Park. Unlike many other air tour operators, we operate year round. In addition to our joint development and certification of the deHavilland Vistaliner--a specially modified 19-passenger tour aircraft of which we will soon have twelve in service--our ownership has made substantial investments at both Las Vegas, Nevada, and Tusayan, Arizona, in airport improvements such as passenger terminals, airline operations and maintenance facilities, and in ground tour services. These businesses are managed for long-term gain rather than short-term profit, and we recognize our responsibility to help preserve and protect the Park as we provide access to it. Towards that end, we attempt to maintain an open working relationship with the management of the Grand Canyon National Park.

That working relationship goes back many years. We were among the founding members of the Grand Canyon Flight Operators' Association and original signators to the 1972 tripartite agreement for commercial overflights entered into by the National Park Service, the Federal Aviation Administration and the air tour companies. That agreement was, in effect, an Aircraft Management Plan. It established flight operations procedures for safety which we agreed to follow and it formalized communications between the Park Service and operators regarding noise-sensitive areas of the Canyon.

Over the years since 1972, many more flight operators have entered the air tour business. Our agreement, while voluntary, generally has served as the basis for their flight operations as well as ours. However, for Scenic that agreement has become clearly insufficient to deal with the volume of flight activity and its environmental impact on the National Park. We have sought to have the FAA adopt a more formal regulation to replace it.

Last week, a Special Federal Aviation Regulation (SFAR) issued by the FAA became effective. That SFAR establishes a very high level of operational safety for the Grand Canyon air tour industry by: (1) establishing a special airspace that limits air traffic over the National Park, (2) requiring air tour operators to meet Part 135 commercial air safety regulations including manual, maintenance, flight operations and training requirements, and (3) prescribing overflight routes and minimum safe altitudes that must be complied with by the air tour industry. Scenic Airlines is fully in compliance with this SFAR. Indeed, we have met scheduled airline safety standards since 1974.

Unfortunately, the NPS and the FAA have been unable to come together in as timely a manner to deal with noise issues. These federal agencies, in our view, have found it difficult to develop a comprehensive Aircraft Management Plan for overflight noise for the Grand Canyon National Park because of their respective legislative mandates and because neither is particularly well suited to make judgements affecting the other's authority.

The NPS is charged with preservation of the natural resource. It has no expertise to make judgements on safe aircraft operating practices and it should not be permitted to do so. The FAA, on the other hand, while charged with regulating the safe and efficient use of our nation's airspace, may not be unilaterally capable of developing a plan that substantially restores the quiet and experience of the Grand Canyon National Park.

SENATE BILL S.471

Scenic and Grand Canyon Airlines believe that S.471 may be necessary to break this impass between the NPS and the FAA. However, in passing this legislation, Congress must more clearly direct that air safety must not be compromised in the enactment of an Aircraft Management Plan. At a minimum, S.471 should make the FAA the primary regulatory authority on establishing a Grand Canyon Aircraft Management Plan.

- We generally support no flights below the rim, particularly in the environmentally-sensitive eastern sector of the Park. We also must note, however, that "rim level" is a term of art with respect to the Grand Canyon National Park. Any determination of "rim level" must be evaluated for air safety purposes as well and set solely by the FAA.

- We support prompt promulgation of the final Special Federal Aviation Regulation (SFAR) that permanently sets forth minimum safety standards for air tour companies and provides for a higher standard of FAA oversight of operations.

* We support the concept of creating flight-free areas of the Grand Canyon National Park by designating it as a permanent Special Use Airspace and by restricting the number of aircraft overflight routes at minimum safe altitudes.

* We support further study of aircraft overflights to establish certified baseline ambient noise levels along the air tour routes used and to evaluate the benefits of quiet aircraft technology in reducing noise impact.

While we support enactment of S.471, we are disappointed that the legislation fails to acknowledge that aerial sightseeing is a legitimate means for access to the Grand Canyon. This year, the canyon air tour industry in total will carry perhaps as many as one-half million visitors. Seeing the Canyon by air provides a unique perspective by which visitors can fully appreciate its enormous expanse and features. It is also a means of access for many visitors who may not otherwise be able to see the Canyon other than from the limited number of rim-level overlooks.

SCENIC/GRAND CANYON AIRLINES' COMMITMENT

Finally, I would briefly like to review what steps Scenic and Grand Canyon Airlines are taking in order to assure our operations conform to the highest standards of safety. Previously, I noted that our respective airlines jointly undertook the development and FAA certification of the deHavilland Vistaliner. Its most compelling features from an air tour point of view are its oversized windows and its high-wing design, permitting unrestricted visibility. We believe it provides our customers a superior product.

But, that is the commercial side of why we operate only Vistaliners. This aircraft offers several important safety benefits as well. First, we operate only with two pilots - two sets of eyes to scan for other traffic. The high-wing design means less banking, which also promotes better scanning. Second, we operate these aircraft as scheduled air carriers. We meet all the requirements of Part 135 safety rules, including requirements for pilot training and qualification, aircraft maintenance and aircraft operations and equipment.

Last year, we undertook the development and FAA certification of a new technology propeller for the Vistaliner. Unmodified, the Vistaliner is already sufficiently quiet to meet the nighttime noise curfew restrictions for Washington's National Airport, among the most stringent noise standards in the nation. Modified with our "Q-T" four-bladed props, the noise footprint of the Vistaliner is further reduced by another 62 percent. As an added benefit, our modification increases aircraft operating performance, of importance for summertime operations at the South Rim Airport.

This year, we are equipping all our Vistaliners with Loran C radio navigation aids. Loran C provides the capability of custom route navigation. The various checkpoints used by Scenic and Grand Canyon Airlines are stored in the navigation computer and the flight crew is provided with precise navigation information to within an astonishing 90 feet of course. We are making this investment because it, too, facilitates mid-aid avoidance by allowing the flight crew more time to scan for other traffic because they have to spend less time in position tracking. The precision of the Loran C also permits Scenic and Grand Canyon Airlines to offset checkpoints where overflights have environmental consequences.

This year, we also hope to undertake an independent and certified noise study that will establish baseline ambient levels in the Canyon and measure the overflights of our Vistaliners and other air tour operators. Even without this study, we know that sound is most amplified by proximity to canyon walls and formations. Scenic and Grand Canyon Airlines already have adjusted flight profiles and altitudes in order to minimize such noise. We have recommended to FAA that in addition to its regulatory action to create a Special Use Airspace, it should also reexamine the air traffic procedures for the South Rim Airport to minimize direct overflights of the South Rim Village.

SUMMARY

During the past few minutes, I have attempted to describe what Scenic and Grand Canyon Airlines are doing to promote a safer and more quiet operating environment for the Grand Canyon National Park. I have described why we support S.471. I have also tried to describe how extensive our investment is in support of air tour operations. I appreciate your interest in our views and, of course, am pleased to answer any questions you may have.

Senator **Bumpers**. Thank you very much, Mr. Stephen.

Ken Walters, Grand Canyon chapter of the Sierra Club in Flagstaff. Ken?

STATEMENT OF KEN WALTERS, GRAND CANYON CHAPTER, SIERRA CLUB

Mr. **Walters**. Mr. Chairman and Members of the committee, I would like to have my entire testimony accepted into the record, and I will attempt to read a summary of it.

My name is Ken Walters. I live in Flagstaff, Arizona and teach photography there at Northern Arizona University. I have been hiking, climbing and camping in national parks for 22 years, and in the Grand Canyon for 17 years.

In those 17 years of hiking in the Grand Canyon, hiking at all times of the year, I have hiked over 3,000 miles. I have hiked at all different levels along the Canyon on both the north and south side, and explored most of the side canyons.

All the time and distance in the Grand Canyon has rewarded me with some truly outstanding experiences. I found intimate little alcoves where the canyon wrens sweetly serenaded me, I have seen magical hidden places like the Fountain of Youth Pool and the 200-foot Whispering Falls. I even discovered a natural bridge no one knew of.

But my most memorable trip was not in the Grand Canyon. It was in Canyonlands National Park. And it was not a magical pool or a sweet bird song that made it so memorable. It was the silence. A perfect, incredible, awesome silence.

No birds, no wind and no machines. The loudest noise was the beating of my own heart. The silence was too perfect to even mar it by breathing. That never happens in the Grand Canyon.

Even though I hike to remote, hidden spots, spots where few if any people have ever been, even though I am in the 93 percent of the Grand Canyon managed as wilderness, I can never find that silence. This is disappointing because peace and silence are the main reasons I go hiking.

In the Grand Canyon it is easy to get away from people. It is impossible to get away from machines. No matter what time of the year it is or what part of the Canyon one is in, aircraft noise is incessant.

Two specific aircraft encounters come to my mind. Not because these incidents are unusual, they are merely more recent. A friend and I were on a trip off the north rim to climb Mencius and Confucius buttes.

These two impressive sandstone towers are considerably west of Phantom Ranch, miles away from any man-made structures. There are not even any trails in the area. Few people have ever ventured into this isolated part of the Canyon, on foot that is.

Much to our chagrin, we found that people do get into this area who are not on foot, for as we were hiking along we found we had wandered into a flight path. Now I know it sounds surprising that wingless hikers could operate in an aircraft flight path, but we were.

Evidently we were in a major sightseeing route. All day there was a constant buzz of aircraft, planes and helicopters whizzing by, barely overhead, sometimes as close as 15 feet. It felt like we were under attack.

There certainly was not the peace and quiet one hopes to find in a national park, let alone the awesome silence I experienced in Canyonlands National Park.

On another trip we were hiking the western part of the Grand Canyon in Tuckup Canyon, one of the most remote parts of the Grand Canyon back country, 70 miles west of Phantom Ranch.

In eight days of hiking we had seen no sign of anyone or that anyone had ever even been there. Again, I mean on foot. Every ten or fifteen minutes, a plane would fly overhead headed up canyon.

These airplanes were all at or above rim level, spaced just far enough apart so that as the sound of one plane was fading out, another would drone into sight. Rather than hiking in a national park, it seemed as if we were in the approach path for L.A. International Airport.

This is not what I expect of a national park experience. There is a long history of laws that mandates that the primary task of the park service is resource preservation. The natural quiet can be one of the most important resources of a national park.

In 1975 the park service was specifically charged to determine if aircraft had a significant adverse effect on the natural quiet. Aircraft eliminated natural quiet. One proposal for restoring the natural quiet to the Grand Canyon is to create flight-free zones over noise sensitive areas.

However, the entire park is a noise-sensitive area. The 1916 Organic Act does not say to protect just some of the resources or only part of the park. To attempt to subdivide parks and areas that are completely protected and areas only partially protected, or to protect only some of the resources, negates the entire national park concept.

It is not an issue of air tourists versus foot tourists. It is an issue of why national parks were created. We all live in a world dominated by machine. National parks were created for people.

The only way to restore the natural quiet to the Grand Canyon is to remove the aircraft. This is why I personally, and as a representative of the Grand Canyon chapter of the Sierra Club, support the Quiet Canyon proposal.

This plan would make Grand Canyon park free of all aircraft flying below 18,000 feet. There are already laws in effect that should be sufficient to preserve the natural quiet of the national parks. But they are not being used to limit or even manage aircraft intrusions in the national parks.

Nor has voluntary flight restrictions been effective. I noticed the aircraft disruption of the natural quiet on my first hikes in the Grand Canyon in 1972. At that time I questioned several pilot friends of mine who all told me that the FAA advisory was to fly not lower than 2,000 feet above the rim.

Air tour operators and the military ignore this continually. All of this is why I am here in support of S. 451. Specific legislation is needed to halt aircraft overflights to Grand Canyon and other national parks, so that the natural quiet can be reestablished.

I congratulate Arizona Senator John McCain for taking the first step in recovering the natural quiet by introducing and co-sponsoring S. 451. This bill reduced the number of direct confrontations of people in aircraft, like the strafing I got at Mencius and Confucius, and begin to release the Canyon from machines and return it to the people.

However, although this bill is a good start in dealing with the encroachment of aircraft on the Grand Canyon, it will not substantially reduce the noise level. What is needed is to make the entire airspace above the park flight-free.

Otherwise it will still not be possible to experience the awesome silence expected of libraries and national parks. A week from now I will be back in the Grand Canyon on a nine-day backpacking trip.

It would be another intensely moving experience if, along with the natural visual grandeur, I could again come in contact with the awesome natural silence. But I know that will not happen.

At the beginning of the trail I will take into the Canyon, there will be a sign that reads, "No Motor Vehicles Allowed." This should include airplanes and helicopters.

Thank you for this opportunity to speak. In addition I would like to introduce a copy for the record of the Quiet Canyon proposal and a selection of a few letters written in support of a quiet Canyon, some of which are written by paraplegics and old people.

[The prepared statement of Mr. Walters follows:]

SIERRA CLUB

Grand Canyon Chapter · Arizona

TESTIMONY OF KEN WALTERS FOR THE GRAND CANYON CHAPTER OF THE SIERRA CLUB SUPPORTING S451 REGARDING NATIONAL PARKS OVERFLIGHTS, BEFORE THE UNITED STATES SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, WASHINGTON, D.C., 7 MAY 1987

My name is Ken Walters. I live in Flagstaff, Arizona and teach photography there at Northern Arizona University. I have been hiking, climbing and camping in National Parks for 22 years, and in the Grand Canyon for 17 years.

At the Grand Canyon, I hike at all times of the year (I have the most free time in the summer, but the weather is nicest in the winter). In the last seventeen years, I've hiked a little over 3000 miles in the Grand Canyon. I've hiked at all different levels along the Canyon on both the North and South sides, explored most of the side canyons, and climbed 121 of the 145 named buttes.

All that time and distance in the Grand Canyon has rewarded me with some truly outstanding experiences. I've found hidden little alcoves where the canyon wrens sweetly serenaded me. I've been to magical places like the "Fountain of Youth Pool", deep and turquoise, half in the sun and half under a cool shady ledge, and "Whispering Falls", that whispers down a 200 foot cliff past pockets of ferns and little yellow columbines. I even discovered a natural bridge no one knew of (now called Butchart Bridge).

But my most memorable trip wasn't in the Grand Canyon. It was in Canyonlands National Park. And it wasn't a magical pool or a sweet bird song that made it so memorable. It was the silence. A perfect, incredible, awesome silence. No birds, no wind and no machines. The loudest noise was my own heart beat. The silence was too perfect to interrupt by breathing.

That never happens in the Grand Canyon. Even though I hike to remote hidden spots, spots were few if any people have ever been, even though I'm in the 93% of the Grand Canyon managed as wilderness, I can never find that silence. That's unfortunate, because silence is one of the main things I go looking for when I go hiking. It is true, that I am somewhat driven by curiosity - I want to discover new places, see what's around the next bend. But mostly I am looking for solitude and quiet. I live and work in a busy, noisy machine-run world. I need to get away from that at times to rest and recuperate.

In the Grand Canyon it is easy to get away from people. It is impossible to get away from machines. No matter what time of the year it is or what part of the Canyon one's in, aircraft noise is incessant - day and night. The only time the aircraft noise stops, is during bad weather. There are two specific aircraft encounters which come to my mind. Not because these incidents are unusual, they are merely more recent.

A friend and I were on a trip off the North rim to climb Mencius and Confucius buttes. These two impressive sandstone towers are considerably west of Phantom Ranch, miles away from any man-made structures - there aren't even any trails into the area. Few people have ever ventured into this isolated part of the Canyon - on foot, that is. Much to our chagrin, we found that people do get into this area who aren't on foot. For as we were hiking along, we found we'd "wandered" into a flight path. Now I know it sounds surprising that wingless hikers could operate in an aircraft flight path, but we were. Evidently we were in a major sight seeing route. All day there was a constant buzz of aircraft (planes and helicopters) whizzing by barely overhead, sometimes as close as fifteen feet. It felt like we were under attack. There certainly wasn't the peace and quiet one hopes to find in a National Park, let alone the "awesome" silence I experienced in Canyonlands National Park.

On another trip, we were hiking in the western part of the Grand Canyon - in Tuckup Canyon, circumnavigating a butte called "The Dome". This is one of the most remote parts of the Grand Canyon backcountry (Tuckup is a side canyon that flows into the Colorado 77 miles downstream from Phantom Ranch). In 8 days of hiking, we had seen no sign of anyone or that anyone had ever even been there. Again, I mean on foot. Every ten to fifteen minutes a plane would fly over headed up canyon. They weren't on strafing runs as at Mencius and Confucius. Instead these airplanes were all at or above rim level, spaced just far enough apart so that as the sound of one plane was fading out, another would drone into 'sight'. Rather than hiking in a National Park, it seemed as if we were in the approach path for L.A. International Airport.

This isn't what I expect of a National Park experience. The National Park Service has determined that 93% of the Grand Canyon is suitable for wilderness designation and is therefore being managed as wilderness. The 1964 Wilderness Act lists "outstanding opportunities for solitude" as being one of the primary ingredients of wilderness. The incessant buzzing of aircraft leaves little opportunity for even simple quiet. let alone outstanding solitude.

The 1916 National Park Service Organic Act states that when a conflict exists between conservation of natural resources and enjoyment of those same resources the issue is to be decided in favor of resource protection. The natural quiet can be one of the most important resources of a National Park, as I experienced in Canyonlands National Park and would like to experience in the Grand Canyon. Currently, that resource is being denied to Grand Canyon visitors. In the 1975 Grand Canyon National Park Enlargement Act the Park Service was charged with determining if aircraft had "a significant adverse effect on the natural quiet and experience of the park". After years of study and public input the Park Service at Grand Canyon National Park has determined that aircraft do have such an impact. They further note in all their alternatives for aircraft management that, "In areas where flying is allowed, there would continue to be a significant adverse effect on the natural quiet and experience of the park".

In a 1983 study of sound levels in the Grand Canyon, P.S. Dara measured 'natural' sound levels at 30 dBA. Noise levels with aircraft present varied from 74 to 47 dBA. According to U.S. Environmental Protection Agency studies, each time the distance from a noise doubles, the loudness decreases by 6 dBA. Consequently, to provide opportunities for solitude in the Grand Canyon, to *restore* the natural quiet, aircraft must be restricted to flying above 18,000 feet MSL.

Another proposal is to move flight paths horizontally to create "flight-free" zones over "noise-sensitive" areas. However, the 1916 National Park Service Organic Act charges the Park Service "to conserve" the resources of the park. It does not say to protect some of the resources of part of the park. National Parks were set aside as entire areas to be protected. Less than 2% of the total area of the United States has been set aside for this protection - protection that is Congressionally mandated. To attempt to subdivide these protected areas into parts that are completely "protected" and only partially "protected", or to protect only *some* of the resources, negates the entire National Park concept. It is not an issue of air tourists versus foot tourists. It is an issue of why National Parks were created. We all live in a world dominated by machines. National Parks were created for people.

The only way to restore the natural quiet to the Grand Canyon is to remove the aircraft. This is why I, personally, and as a representative of the Grand Canyon Chapter of the Sierra Club, support the Quiet Canyon Proposal. This plan would restrict aircraft to above 18000 feet within the Grand Canyon environment. It would make Grand Canyon Park *free* of all low flying (less then 18000') aircraft.

It would seem that there are already laws in effect that should be sufficient to preserve "the natural quiet" of the National Parks as well as the Parks' other natural resources. But they are not being used to limit or even manage aircraft intrusions in the National Parks. Nor has voluntary flight restriction been effective. I noticed the aircraft disruption of the natural quiet on my first hikes in the Grand Canyon in 1972. At that time I questioned several pilot friends of mine who all told me that the FAA advisory was to fly not lower than 2000 feet above the rim. Air tour operators and the military ignore this continually.

All of this is why I am here in support of S451. Specific legislation is needed to halt aircraft overflights of the Grand Canyon and other National

Parks so that the natural quiet can be reestablished. I congratulate Arizona Senator John McCain for taking the first step in recovering the natural quiet by introducing and co-sponsoring S451. This bill will reduce the number of direct confrontations of people and aircraft (I won't be 'strafed' any more), and begin to release the Canyon from machines and return it to the people.

However, although this bill is a good start on dealing with the encroachment of aircraft on the Grand Canyon, it will not substantially reduce the noise level. It will still not be possible to experience the awesome silence expected of libraries and National Parks. A week from now I will be back in the Grand Canyon on a 9 day backpacking trip. It would be another intensely moving experience if, along with the majesty of the natural visual grandeur, I could again come in contact with the awesome natural silence. But I know that won't happen. At the beginning of the trail I'll take into the Canyon there will be a sign that reads, "No motor vehicles allowed". This should include airplanes and helicopters.

Thank you for this opportunity to speak.

Kenneth A. Walters
Grand Canyon Chapter
Sierra Club

Senator Bumpers. Thank you, Mr. Walters. Just a couple of questions. Mr. Stephen, first of all I commend you and your company for supporting this legislation.

It seems to me that there is enough unanimity now from all the people involved in this that there is going to be a bill come out of here. It just depends on what kind of a bill it is going to be. Hopefully we can take into consideration all the legitimate interests and balance environmental concerns with safety and the economic interests of your company and others.

Do you operate mostly out of Las Vegas?

Mr. Stephen. We have—100 percent are between Las Vegas and Grand Canyon airport, back and forth.

Senator Bumpers. How long does it take to make that tour?

Mr. Stephen. It is approximately one hour, and one hour and twenty-five minutes.

Senator Bumpers. How far is it from Las Vegas to say the south rim of the Canyon there?

Mr. Stephen. Our route is about 200 miles in length.

Senator Bumpers. So it is about a 400 mile round-trip?

Mr. Stephen. A little less because we go straight back. We do not go over the Canyon on return.

Senator Bumpers. How many flights a day does your company make out of Las Vegas?

Mr. Stephen. It varies because of the traffic, from seasonal factors. This year we will perform about 5,000 scenic trips over the Canyon itself.

Senator Bumpers. You operate all year long?

Mr. Stephen. Yes we do.

Senator Bumpers. How many of the charters operate all year long?

Mr. Stephen. I think, and this would be something the FAA could answer more thoroughly, but I believe there are 39 companies that were providing various types of sightseeing. It is not just from Las Vegas.

There are sightseeing tours that come out of Los Angeles, out of St. George, Utah, out of Farmington, New Mexico, out of Phoenix, out of Flagstaff, and there is certainly out of the Grand Canyon airport itself.

It is quite an industry and the majority, however, the majority of activity is out of Las Vegas. I might add, incidentally, over the national park, the national park itself is about 1,900 square miles.

We are only actually overflying the national park about 60 miles. The rest of our flight is over Indian lands or over the beginning, as you come out of Las Vegas and head over Lake Mead.

Senator Bumpers. You fly over 60 square miles of the 1,900 square miles in the park?

Mr. Stephen. That would be an easy way to say it, yes. What I am trying to say is our actual route over the ground is about 60 miles over the national park itself. We have tried to avoid flying over sensitive areas.

For example, Point Sublime, we have special radio navigation gear in our aircraft that gives us a course of deviation within 90 feet. We offset Point Sublime by one and a half miles in order to, we do not fly over the top of it, we fly over a very precise track each time so that we can try to mitigate the noise impact of our aircraft.

As I was talking earlier about the noise footprint, we are attempting, we are working with the park service, I met with Dick Marks, the superintendent two days ago, and we are anxious to move ahead with a noise study that in fact does set a baseline for noise and what we can do operationally and in terms of power settings, in terms of altitudes, in terms of quiet aircraft technology to mitigate any noise impact over the Canyon.

I believe we have lots of room for development of a good plan here, an aircraft management plan that gives our passengers first-class service and still leaves a large portion of the Canyon.

Senator BUMPERS. What altitude do you fly over the Canyon itself?

Mr. STEPHEN. It varies. There are three different sections of the Canyon. The western sector, our minimum altitude in the western sector varies from 5,500 to 7,500 feet.

We have actually two different trips. One is just to the western section. As we come across into the central section we are actually at 7,500 feet. We come down to FAA's altitude of rim level, which is 6,000 in the central sector. And then we climb back up to 8,000 feet and we are actually at 8,000 feet over the entire eastern sector of the Canyon, which is the most environmentally sensitive.

And that is above the north rim, as well as the south rim of the Canyon.

Senator BUMPERS. How long has your company been in business?

Mr. STEPHEN. Twenty years this year, and our affiliate, Grand Canyon Airlines, has been doing aerial sightseeing over the Grand Canyon for 60 years.

Senator BUMPERS. How many passengers a year do you carry?

Mr. STEPHEN. In 1986 we carried 139,000 passengers. Our traffic is up very substantially this year. We expect to go around 181,000, 190,000, maybe 200,000 passengers.

And I would like to make one small point, because this is kind of why we think lots can be done. Ten years ago we operated a fleet of 40 airplanes. This year we will carry as many passengers with 12 airplanes as we once carried with 40. We went to bigger airplanes.

And we are in fact flying a lot less tours over the Canyon and we have attempted over time to fine tune our routes with FAA's approval, in order to mitigate the noise impact as well. A lot can be done here, and I think the moving ahead with this and the negotiation between the concerned parties will produce results.

Senator BUMPERS. What do you charge for round-trip out of Las Vegas?

Mr. STEPHEN. We offer our trip, the basic charge is $119, if you go in and out. We offer ground packages as well, which can bring it up to $169.

Senator BUMPERS. Senator Wirth?

Senator WIRTH. Thank you, Mr. Chairman. Gentlemen, thank you all very much for very, very good testimony.

Just two questions. First, just to pick up again, Mr. Stephen, we appreciate your very constructive approach to this as the kind of enlightened self-interest that it seems to me makes it possible to come up with a good piece of legislation.

You say you last year carried almost 200,000 sightseers. Is that right?

Mr. STEPHEN. With the Grand Canyon and Scenic together, approaching 200,000.

Senator WIRTH. What is the total population of people who last year flew over the Grand Canyon?

Mr. STEPHEN. The industry estimates are between 350,000 and 400,000.

Senator WIRTH. You are about 50 percent of the total traffic. Is that right?

Mr. STEPHEN. Yes, sir.

Senator WIRTH. Finally, Mr. Lienesch, the legislation requires that we look at six parks in particular, and it says that there should be a study of four others. Is that not correct?

Mr. LIENESCH. I read it as up to four others.

Senator WIRTH. How many national parks are there?

Mr. LIENESCH. I believe there are 49.

Senator WIRTH. Is there a reason for limiting ourselves to nine or 10 or should we be reaching further, as you were suggesting, for example, to National Seashore and so on?

Mr. LIENESCH. Oh, absolutely. The problems are not limited just to those, the better known and the more famous areas, and often with more famous resources.

The problems tend to be related not only to the beauty of the area but the location of the area, and in some cases just coincidental that it is located near a military area, or it is located near some other aircraft generating operation.

So problems we think are much more widespread than up to 10 will let us look at in detail.

Senator WIRTH. I am struck by Mr. Walters testimony about Canyonlands and his experience there, which is an experience that I have shared with my family in Canyonlands, that very quietude, and also share with you an experience I had last weekend in Mesa Verde.

We were hiking in the back country of Mesa Verde, way back out in the middle of nowhere. And whack-whack-whack of a helicopter suddenly showed up. I mean this was six hours into being way back there.

We were really beginning to get a feeling of having been there and the six hour experience was destroyed in 35 seconds.

Mr. LIENESCH. Unfortunately, that is not uncommon in the sense that you can get surprised in many different areas at different times when you think you are really getting away from it all, which a lot of people are trying to do in their vacation trips or even weekend trips or even day trips.

Senator WIRTH. I would be interested in why we are limiting ourselves in this way, or why perhaps we should be looking overall at the park system.

It seems to me that if we have the opportunity to do that, my own instinct is we have the opportunity to do that now early on before we get into a situation where there are not a lot of Scenic Airlines, but others moving in on other parks, without the kind of approach that you all have taken, Mr. Stephen, that it would be more difficult to do down the line than to do now to look at the overall area.

Mr. **Lienesch**. I agree with you completely, Senator. I would add that the legislation, my reading of it permits the park service to look at the whole system.

But understandably when you say you are to focus on up to 10 areas and then you start naming them, that is where your resources are going to go, and these other areas that have the potential problems, but major ones 10, 20 years from now, are going to be unexamined during what is going to be the major examination of not only this decade but probably the next two or three decades.

Senator **Wirth**. In a situation like this my own experience in the Congress would suggest that if the Congress does not mandate and say what it wants to have done, when it wants to have it done, in this situation we have a number of conflicting interests.

The chances of nothing happening are greater than the chances of something happening.

Mr. **Lienesch**. And the experience with the Grand Canyon Enlargement Act of 1975 is a perfect example of that.

Senator **Wirth**. You put the footnote on what I was going to add myself. Thank you very much.

Any final comments that any of you have?

Mr. **Stephen**. Senator, may I just have one second. One of the questions you asked, which did not get an adequate answer, about rim level and FAA regulation.

I think it is very important to just raise that very briefly, and that is that the rules of the road of the air are universal. They are worldwide. English is spoken. That is the international language by treaty.

In Europe or South America when you speak to your air traffic controller you speak in English. We have universal rules of the road. And one of them is what is known as a hemispheric rule.

That says you are flying under visual flight rules and you are going from zero to 179 degrees, you fly at odd thousand plus 5,500 feet, 7,500 feet, 9,500 feet. The opposite direction, when you are going from 180 degrees to 359 you have to fly at even thousands plus 500.

That means that traffic that is coming at each other has a thousand feet of separation for mid-air avoidance. And the FAA in attempting to set these rim altitudes was trying to set an absolute altitude that reflected rim level, recognizing there is quite a bit of variance.

But the important thing is to set rim levels that did not put airplanes at 500 feet and that is one of the concerns here, that we be very careful in finalizing any definitions or in order to make sure that we simply, we can not change the Grand Canyon and make it a different flight rule than we have for the rest of the nation or the rest of the world.

Senator **Wirth**. That is very constructive and helpful, Mr. Stephen. Thank you.

Senator **Bumpers**. Gentlemen, I thank all of you for being with us this morning.

Our next panel is James Kahan, president of Grand Canyon Flight Operators Association, Frank Jensen, Jr., president of the Helicopter Association International, Elling Halvorson, president of Grand Canyon Helicopters and North American Airways, Richard Walsh, executive director of the Resource Center for the Handicapped, and Bob DeCamp, general manager of Hawaii Pacific Helicopters.

Mr. KAHAN. Mr. Chairman, I have some letters for the Members.

Senator BUMPERS. It looks like more than some to me.

Mr. KAHAN. There are maybe about 10,000 letters here, 6,000 signatures.

Senator BUMPERS. Would you identify yourself?

Mr. KAHAN. I am Jim Kahan, president of Grand Canyon Flight Operators Association.

Senator BUMPERS. Do you want to submit those 10,000 letters to the committee?

Mr. KAHAN. I would like to submit them to the committee, but not necessarily to burden the record with them.

Senator BUMPERS. It will take them a little while to read all of those, but I would be happy to.

Mr. KAHAN. I have them divided by state.

Senator BUMPERS. Just give me the ones from Arkansas and give Senator Wirth the ones from Colorado. And you can take the rest of them back with you. If you will leave them there for the time being and staff will take care of them when the subcommittee adjourns.

Mr. Kahan, you are our first witness.

Mr. KAHAN. I also have a statement from the National Aeronautic Association that I would like to submit for the record.

Senator BUMPERS. Certainly, it will be admitted. Gentlemen, in keeping with the time constraints, the subcommittee would appreciate it very much if you could summarize your statements and try to confine them to five minutes or less.

Mr. Kahan, please lead off.

STATEMENT OF JAMES L. KAHAN, PRESIDENT, GRAND CANYON FLIGHT OPERATORS ASSOCIATION

Mr. KAHAN. Okay. Mr. Chairman and Members of the committee, my name is Jim Kahan. I am the president of the Grand Canyon Flight Operators Association.

The Association is comprised of approximately 40 corporations that employ nearly 1,000 people, and provide aerial sightseeing tours of the Grand Canyon of Arizona.

I am also executive vice president of North American Helicopter Airways, a corporation engaged in the business of flying helicopter tours of the Grand Canyon under the name Grand Canyon Helicopters, as well as tours in Hawaii under the name of Papillon Hawaiian Helicopters.

I agree with the concept of studying noise in our national parks. However, S. 451 should be modified to include the study of all types of noise, not just the sound of aircraft.

The cost of doing noise studies is substantial. The majority of this expense is for the equipment and manpower needed to take noise level readings. With this equipment in place, it seems quite reasonable and prudent, not to mention efficient, to study and monitor other types of noise sources as well. Snowmobiles, motorcycles and the like.

Aircraft noise studies have already been completed by the National Park Service at Grand Canyon, and the results of these park service efforts have been found by the Department of the Interior to lack scientific basis. The National Park Service lacks the necessary expertise and the resources to conduct valid noise studies.

We urge the committee to require these proposed studies to be done independently, or at the very least jointly with EPA and the FAA. This will assure that problems such as those found at the Grand Canyon will not occur again.

As executive vice president of Papillon Helicopters, we support the proposed studies for volcanoes in Haleakala National Park. We do, however, fail to understand the purpose for imposing interim mandatory altitude levels during the study period.

We fail to see how a valid study can be performed under conditions that pre-arranged. We also question who set these altitudes during the term of the study. In essence, S. 415 solves an unfounded problem by creating altitude restrictions imposed for no apparent reason, while studies seek to find one.

As responsible businessmen, we agree that regulation is definitely needed in our industry, and we urge the FAA to further regulate the Hawaii air tour industry, as they are now doing with FAR-50 in the Grand Canyon.

With specific regard to Section 3 of this bill, pertaining to the Grand Canyon, the 1975 Grand Canyon Enlargement Act has already addressed the issue of overflights at the Grand Canyon National Park.

In accordance with its legislative mandate, the FAA has recently, or should I say finally, imposed new regulations at the Grand Canyon. They address both noise and safety. This FAA regulation seems to be misunderstood and we feel that perhaps the Senate aviation subcommittee should also be permitted to take a look at this piece of legislation. It does deal predominantly with aviation concerns.

The regulation that the FAA has put out provides a flexible vehicle for regulating the air tour industry, as routes and altitudes can be modified through the regulation as determined necessary. We understand that perhaps the current initial flight routes may not be perfect.

However, with input from those concerned, modifications can be made that will meet the needs of all Grand Canyon users. We would like to see the language in Section 3 modified to allow this regulation of the FAA's to work to the solution through a process of fine tuning.

Once the issue is fully understood and the regulation is also fully understood by everyone concerned, the questions of altitudes and flight-free zones can be solved through using this regulation.

Mr. Chairman, that concludes my comments, but I would like to answer questions.

[The prepared statement of Mr. Kahan and the National Aeronautic Association follow:]

STATEMENT BY JAMES L. KAHAN

PRESIDENT

GRAND CANYON FLIGHT OPERATORS ASSOCIATION

Regarding S. 451

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

HONORABLE DALE BUMPERS, CHAIRMAN

UNITED STATES SENATE

THURSDAY, MAY 7, 1987

Mr. Chairman and members of the Committee.

My name is Jim Kahan and I am the President of the Grand Canyon Flight Operators Association. The Association is comprised of approximately 40 small business organizations who conduct aerial tours over the Grand Canyon. Approximately 20 derive their primary source of income from flying Grand Canyon Tours. Our members operate from Arizona, California, Nevada, Utah and New Mexico.

I am also the Executive Vice President of North American Helicopter Airways which operates helicopter tours in the Grand Canyon and Hawaii. We are more commonly known as Grand Canyon Helicopters and Papillon Hawaiian Helicopters.

I am grateful for the opportunity to speak to this Committee and I truly hope that my testimony will help clarify much of the confusion and misinformation, we feel surrounds the airtour issue at the Grand Canyon. I will attempt to be as concise and brief as possible.

I have brought a few maps and charts with me today, which I believe will help put certain critical aspects of my testimony into perspective. I realize that many of you have visited the Grand Canyon, however, I understand some of you have not.

The Canyon is 2000 square miles in size. It is 277 miles long, 15 miles wide at its widest section, and approximately 1 mile deep. The Canyon is twice the size of Rhode Island and could easily engulf the cities of Los Angles, Phoenix, Dallas, Chicago and New York with room to spare.

Map one is a map of the Grand Canyon National Park (GCNP). The area blocked in the lower right hand corner covers approximately 36 square miles from point Moran to Cape Royal. In order to emphasize the size relationship of a typical aircraft, we have enlarged this area into two separate illustrations. Illustration no.1 is a cross section of the Canyon from north rim to south rim. The Washington Monument is drawn to scale at 1-mile intervals. The almost indistinguishable dot is an aircraft drawn to true scale.

Illustration no.2 is an aerial overview of this same area, again the almost indistinguishable dot represents an aircraft drawn to true scale.

Photograph no. 1 is an actual photo of this same section of the Canyon. Again the Washington Monument has been placed at 1-mile intervals to true scale. At the 1st mile, scale depictions of a helicopter and a fixed-wing airplane are inserted. It is easy to understand how this controversy has become so misunderstood as visual perceptions, as seen here, are quite deceiving. I have distributed a handout (Exhibit A) showing scale drawings of the Washington Monument in relation to a DeHavilland Twin Otter and Bell Jet Ranger. When viewed in relation to photo no.1 it is obvious that aircraft are virtually invisible in the Grand Canyon.

The Grand Canyon is not a wilderness area. Hotels, restaurants, stables, gas stations, and various other evidence of man's presence exist along its south and north rims. It is not uncommon to see as many as 10,000 Canyon visitors congregating along the south rim look-out points in a given day during the peak tourist season. Many complain of its crowded conditions, the smell of diesel buses and the street traffic, however, a view of the Canyon is something that will be remembered for a lifetime. One great misconception that I have heard over and over is that aircraft fly over the Grand Canyon Village and the major look-out points. Except for the Park Service's own helicopter, it is rare that an aircraft is ever seen or heard in this area. Commercial airtours do not fly in this vicinity.

Approximately 2 to 3 million tourists visit the Grand Canyon each year. Ninety percent of them see the Canyon only from its rim look-out points. Amazingly, the average visitor spends only 20 minutes looking into the Canyon.

Various other activities exist at the Canyon, mule trips down to Phantom Ranch, a hotel situated on the Canyon's floor adjacent to the Colorado River, rafting the Canyon by both motorized and non-motorized raft trips and, of course hiking, and participating in an airtour. Exact numbers of "day hikers", those who walk a trail but don't spend the night in the Canyon, are not recorded by the National Park Service (NPS). The Park Service does tabulate backcountry hikers by its Permit System. Permits are issued to two types of overnight backcountry users those who utilize the area known as the "corridor" and those who venture out further into the areas labelled by the Park Service as "wilderness".

In 1986, 3.3 million tourists visited the Grand Canyon: 22,159 people hiked the "corridor" area and 10,421 people hiked into the "wilderness" areas. Approximately 400,000 chose to take an aerial tour. The issue we are here to discuss today, is the perceived conflict between the 400,000 aerial flightseers and the 32,580 backcountry overnight hikers. This represents a 12 to 1 ratio between the two user groups.

It is important to note that the Canyon floor is situated at the same elevation as Phoenix, Arizona. During the months of June, July and

August, temperatures are extremely hot at the bottom of the Canyon floor with temperatures often reaching above 100 degrees F. These are the most active months for the airtour industry, yet the least hiked months due to the heat. The graph I've brought depicts numbers of passengers flown by month in relationship to actual 1986 numbers of backcountry wilderness hikers, by month. This chart was compiled using Park Service permit data. As you can see, very few backcountry hikers are present in the Canyon while flight activity is peaking, the converse is also true in the winter months.

Another misconception that has been widely publicized is that flight activity is on the rise in GCNP, however, this is also incorrect. A valid explanation for this misconception exists. The Grand Canyon Airport is the only state-owned airport in Arizona. It has continuously lost money over the last several years due to a decrease in flight activity. For example, prior to 1984 Scenic Airlines operated 45 twin engine Cessna nine-passenger aircraft. As the largest Las Vegas-based operator these aircraft flew almost constantly through the Grand Canyon. Today Scenic has replaced these 45 ships with seven (7) DeHavilland Twin Otter 20 place aircraft. Likewise Grand Canyon Airlines has gone from 10 Cessna aircraft to two (2) Twin Otters. Grand Canyon Helicopters is also in the process of selling their smaller helicopters for larger ships. These larger aircraft are quieter than the smaller ships they replace. In an effort to lease the GCNP Airport the Airport's division of the Arizona Department of Transportation had an independent firm prepare a prospectus to be used to obtain a tenant. In this prospectus flights were projected to the year 2000, showing almost exponential growth. In reality, both 1985 and 1986 projections were "off" by over 30% each year. The truth is, flights are declining, however opponents of our industry are citing these erroneous projections as an indication that our growth is out of control and in need of drastic regulation.

This issue became heated most recently as the Park Service attempted to carry out its responsibilities under the 1975 Grand Canyon Enlargement Act. This legislation, among other things, specifically stated that the Park Service should determine whether aircraft noise was causing a "significant adverse effect" on the natural quiet and enjoyment of the Park. The Park Service did not issue its finding, as required by the 1975 Act until March 10, 1985 after the introduction of HR 4430 in the 99th Congress. It appears that in a rush to comply with the 1975 mandate the Park Service relied upon many existing, unprofessional studies in an attempt to justify its finding of "significant adverse effect" this material was then disseminated to the public and the Congress.

An environmental assessment was prepared and series of hearings were held in various cities. I attended virtually all of theses hearings.

It soon became clear that although unbeknownst to those testifying the Park Service helicopter was the source of a majority of the noise complaints. This aircraft, a Bell 206 Jet Ranger is under contract to the Park Service from Grand Canyon Helicopters. Prior to 1984, Grand Canyon Helicopters and other members of our Association were unaware that there was a perceived noise problem at the Grand Canyon. For the last 10 years, Grand Canyon Helicopters left its company markings on the Park Service ship as we felt it was "Positive" and good advertising. The ship was often seen at Phantom Ranch, located at the Canyon Floor and Grand Canyon Helicopters received many calls requesting reservations for this service. We would explain that this service was not available as landing in the GCNP is forbidden. Many complaints voiced at the hearings by backcountry hikers referred to the orange, black and white, Grand Canyon Helicopters ship flying directly over hikers heads and hovering. Although, this is a common practice, it is done exclusively by the Park Service ship on search and rescue missions. This ship is flown over 450 hours each year. One additional helicopter is provided six additional months out of the year for back-up. In the summer months it is not uncommon to have both aircraft on missions flying along the Canyon floor for administrative or emergency Park affairs. In extreme emergencies additional aircraft are taken off tour activity and used by the NPS as well. Considering the Canyon's size, this activity is often necessary to save lives. When a hiker is found to be missing, trails are often scoured for hours, even days, by helicopter.

Grand Canyon Helicopters repainted the Park ship White and Green, the Park Service colors, and painted the NPS banner on its belly with the Park Service logo on its doors. Unknowing hikers who at one time thought this aircraft to be carrying tourist intruders, now realize the helicopter is on official Park Service business. The aircraft is exclusively used by the Park Service and never carries tourists.

After the hearing process was completed, the Grand Canyon Flight Operators obtained copies of the studies used by the Park Service in formulating their findings. It was clear that the data was skewed and misquoted. On August 1, 1986, prior to the close of the comment period on the Park Services Management Plan, we brought our written concerns to the attention of Superintendent Richard Marks. We were told by Mr. Marks that the Park Service had already made its determination and that a recommendation was forthcoming to Director Mott. Our concerns were amplified upon hearing this as Mr. Mott had publicly acclaimed one year prior on August 29, 1985 in USA Today that he would get aircraft out of the Canyon.

Soon thereafter, on August 28, 1986 we brought our concerns regarding the Park Service data to the Secretary of Interior, Mr. Donald P. Hodel. Although, Mr. Hodel was supportive of the Director of the Park Service and the Superintendent of the Grand Canyon National Park, the Secretary felt our concerns regarding the data on overflight noise deserved further investigation and he referred the matter to his Inspector General. The Inspector General released his report shortly thereafter. An indication of the I.G.'s findings was expressed in a November 14, 1986 letter to Mr. Donald D. Engen, Administrator of the FAA from Mr. William P. Horn, Assistant Secretary for Fish and Wildlife and Parks. In his comments on Grand Canyon aircraft management, made in accordance with the Grand Canyon Enlargement Act, Mr. Horn stated:

> "We also recognize that perceived effects of noise are often idiosyncratic and very difficult to determine scientifically. Each visitor places a value judgement on appropriate and inappropriate noise levels. Your agency is well experienced in addressing aircraft noise. The National Park Service has wrestled with this problem at the Grand Canyon. However, existing data does not provide a sufficient basis for making management decisions or recommendations related to noise."

A copy of Mr. Horn's letter is submitted for the record. (Exhibit B) Secretary Hodel further stated, in a memorandum dated November 5, 1986 in part:

> "The report on solitude should be redone honestly, unless the NPS can rebut the conclusions contained in the Inspector Generals report."
> It goes on to say,
>
> "Preparation of a report containing such egregious misrepresentations is unprofessional and inappropriate for employees of the Department and an embarrassment to the NPS, which I think generally tries to be an organization maintaining high standards of integrity for its employees."

A copy of this memorandum is also submitted for the record. (Exhibit C)

The studies relied upon by the Park Service contained statistics that are crucial to making an informal decision on this issue. Much of this material was misrepresented, ignored, or misquoted and we feel it is worthy of mention at this time:

* One major statistic is that regarding the number of noise complaints received from Canyon visitors. To put this into a visual perspective we would like you to refer to Graph B.
* The Park Service received only 245 written noise complaints from 1978 to 1984, approximately 15 million tourists visited the park in the same time frame. (.000016%)
* In a 1984 Park Service, professional study, done in four languages and canvassing all types of users, 85% of the respondents favored the continuation and expansion of airtours.
* In a 1986 Park Service, professional study, 99.1% of the backcountry hikers surveyed enjoyed their overall Canyon experience.
* Of backcountry hiker complaints, aircraft was ranked 7 out of 10.
* Of the largest group of backcountry hikers, referred to by the

Park Service as "corridor" hikers, 68% were either neutral or not disturbed by aircraft.

* No studies exist that indicate that aircraft impact Canyon wildlife or Indian Ruins.

* When asked how to deal with aircraft overflight noise problems almost 70% of backcountry hikers recommended "zoning" as a solution.

* In 1985 the Park Service helicopter performed 181 emergency rescue flights.

* From 1975 to 1985, 80 people perished, either hiking and/or rafting the Canyon. In this same time frame one (1) airtourist died on a tour flight within the Park's boundaries as result of a heart attack after an emergency landing. An 80 to 1 ratio.

* The Park Service received 8,039 favorable responses supporting aircraft overflights in response to its management plan and merely 456 negative responses. (Exhibit D)

On June 18, 1986 a mid-air collision occurred over the Grand Canyon between two aircraft operating under part 91 of the Federal Aviation Regulations. This collision attracted the attention of the media and the Congress.

On March 18, 1987 the National Transportation and Safety Board released it preliminary findings regarding the cause of the mid-air collision over Grand Canyon. Its results do not attribute the collision to flying "below-the-rim", however the cause of the accident was the failure of the pilots to see each other when they were clearly visible to each other a minimum of 60 seconds prior to impact. A major contributing factor to the collision was the adjustment of airtour routes away from noise sensitive areas without the guidance of the FAA and under apparent pressure from the National Park Service. The NTSB report stated:

> "The Safety Board believes that the Grand Canyon airspace, in general, presented few hazards to flight operations." They further stated:
>
> "However, many operators believed and the NPS implied, that it would recommend to the Department of Interior that they seek legislative authority to implement such restrictions. Consequently, suggestions by NPS personnel to Grand Canyon Scenic airtour operators, on the operation of their flights, irrespective of the informality of the requests, were taken seriously by scenic airtour operators in the hope that such cooperation would forestall the implementation of extensive restriction. When such a request was made to rotary-wing operators to move their entry and exit points because of the proximity of these points to popular tourist sites, the operators willing complied."

We have also enclosed a copy of this report for the record. (Exhibit E)

On April 27, 1987 the FAA implemented a Special Federal Aviation Regulation (SFAR) that strictly regulates the airspace at Grand Canyon National Park. This regulation establishes strict controls over air tour routes, altitudes, pilot training requirements, aircraft equipment and many other facets of Canyon air operations. The Grand Canyon SFAR also incorporates noise abatement measures by detouring tourist flights away from identified noise sensitive areas. The FAA working in conjunction with the NPS has devised this regulation which will transform the majority of the Grand Canyon's 2000 square miles into "flight-free" area. The remaining area will be joint-use allowing flights to continue yet keeping all flight activity well away from tourist look-out points and heavily used hiking trails. Perhaps most important, the regulation enhances Grand Canyon flight safety. If pilots deviate from these mandatory flight regulations they will be subject to heavy fines as well as potential loss of pilots license's and company operating certificates. These are cherished items in the aviation industry as the are not generally reissued once revoked.

S. 451 requires that noise studies be done at select National Parks. We concur with this concept. We do, however, urge the Committee to consider that all types of noise be studied. With the noise monitoring equipment in place readings can be taken from all types of noise sources. We further feel that the FAA and/or the EPA should be involved to assist in these studies, particularly with regard to aircraft noise. We believe this is necessary considering our recent experiences with the Park Service at Grand Canyon and considering the conclusion reached. In a February 1982, GAO document entitled: Parks and Recreation, Limited Progress Made in Documenting and Mitigating Threats to the Parks, it states:

> "There is a severe lack of resource baseline data, scientific/research studies, and monitoring activities for virtually all park units. Our current management plans, e.g.: resource management plans, general management plans, land protection plans, development concept plans etc., are frequently of limited value for strategic planning and resource decision purposes because they often are prepared without first collecting the necessary resource data."

Section 3. requires a "ban on flights" below-the-rim of GCNP. This is a potentially dangerous mandate. By raising altitudes above the canyon rim, for all types of aircraft, airspace will be severely compressed. Technically, 10,000 feet is the ceiling for flying aircraft that are non-pressurized, without the need for pilot and passenger oxygen. Depending on the definition of "rim" this could compress all aircraft into a mere 1500-2000 feet of airspace. Current FAA proposed rules would allow for a minimum of 3500 feet of airspace allowing safe and adequate vertical separation of aircraft.

Altitude does not in itself attenuate noise. By raising flights "above-the-rim" minimal noise attenuation is achieved. The true solution to this problem is horizontal separation from noise sensitive areas. By moving aircraft away further from people on a horizontal plain noise will be more adequately attenuated. Currently proposed Federal Aviation Regulations will accomplish this task. This, along with the proposed new routing, should act to eliminate further noise complaints.

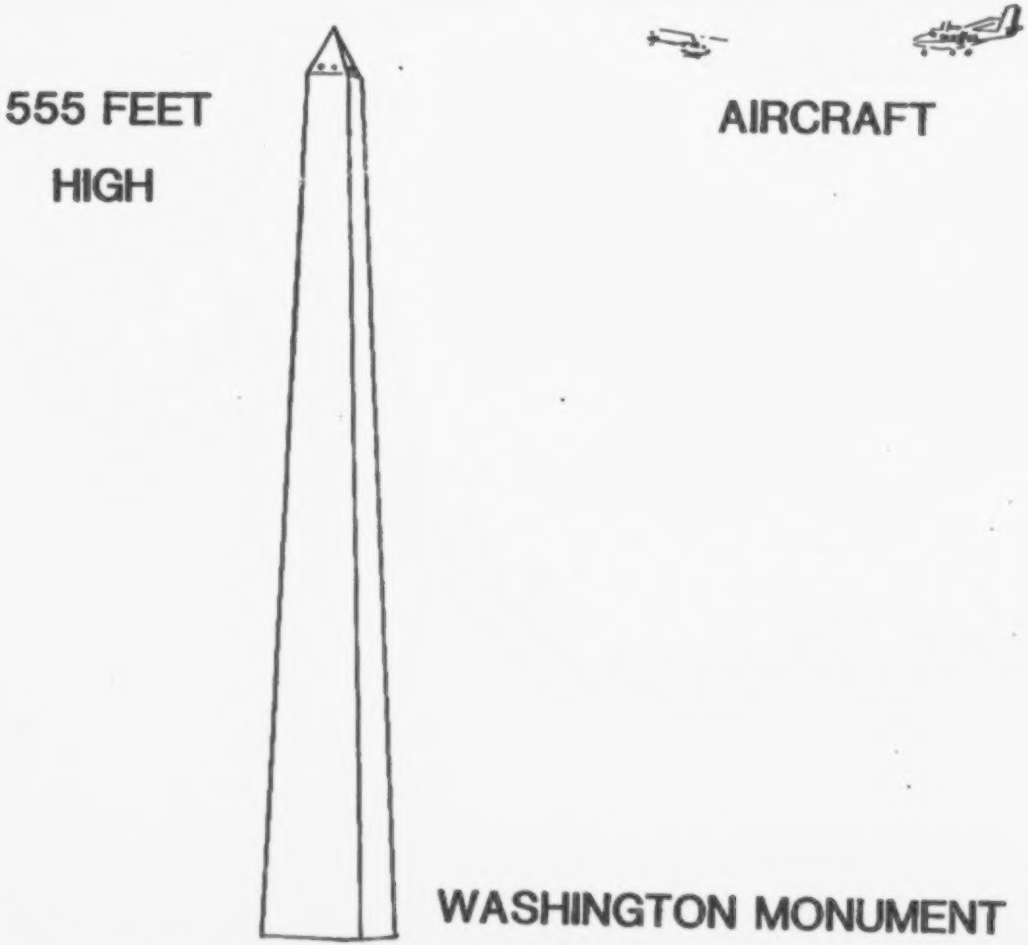
The concept of charging fees for using airspace is also of great concern to the Association as well as to all users of National airspace. Virtually all air tourists pay Park entry fees when they arrive at the Grand Canyon and are taken to the Canyon's rim. This is customarily a part of the tour package. Similar to bus tour operators, those providing transportation are not required to be concessionaires. As aircraft do not create the need for additional Park Service crews or require Park maintenance, imposition of additional fees would be unfair.

In conclusion, we have difficulty supporting further noise studies done by the NPS without assistance and oversight from other impartial agencies. We do not support Section III of S. 451 as is currently drafted, primarily because it usurps the authority of the FAA to regulate Canyon airspace. Additionally, a ban of flights "below the rim" will not attenuate noise pollution as that must be done through reasonable zoning (flight free areas), and horizontal separation, to be effective. A "below the rim" ban will only act to compress flights into a dangerously limited amount of airspace, increasing the possibility of accidents, and not solving the "questionable" problem of noise.

Mr. Chairman, this concludes my remarks and I would welcome the opportunity to answer any questions which members of the Committee may have.

gws3.testify.jim

EXHIBIT A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AIRCRAFT
WASHINGTON MONUMENT

EXHIBIT 5

United States Department of the Interior

WASHINGTON, D.C. 20240

OFFICE OF THE
ASSISTANT SECRETARY

November 14, 1986

Honorable Donald D. Engen
Administrator
Federal Aviation Administration
Department of Transportation
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Mr. Engen:

Given our responsibilities under the act of January 3, 1975, 16 U.S.C. § 228g (1982), the Department is hereby submitting to the Federal Aviation Administration (FAA) those recommendations and proposals that we consider appropriate to protect the public health, welfare and safety of the visitor, or natural environment within Grand Canyon National Park.

The 1975 Act, in our view, vests in the FAA the authority and responsibility to consider and make a final decision regarding these recommendations. The act also establishes the standard of review for your consideration of this submission, and requires consultation with the Department before action is taken by the FAA.

During the period 1976 through October 1986, there have been 189 deaths recorded within Grand Canyon National Park. Of these, 60 have been associated with heart problems, 55 with aircraft accidents (including the recent tragedy that claimed 25 lives), 21 with accidental falls, 13 with drowning, and 9 with carbon monoxide poisoning resulting from visitors' use of space heaters in recreation vehicles and tents. In addition, there have been more than 3,000 responses to medical emergencies that did not involve a fatality.

We believe that aircraft safety is a major unresolved issue at the park. We urge that this issue be addressed, and congratulate the FAA in taking the initiative in considering airspace regulations for aircraft operations in the park area. We understand that the airspace regulations would expire in 1987, and at that time FAA would have to reconsider any further regulations.

We have come to the conclusion that additional measures should be considered by the FAA in order to protect those park visitors who travel to the park by airplane or use aircraft as a viewing platform to see the many wonders of this "crown jewel" of the National Park System. We would suggest that our concerns be addressed as part of your decision on finalizing your regulations in 1987.

We recommend that you continue to pursue airspace regulations that achieve greater safety in the separation and control of aircraft, both fixed wing and helicopters. In the interest of flight safety we would suggest several additional actions for your consideration. It appears that aircraft separation and safety would be significantly improved through the installation of radar at the Grand Canyon National Park Airport. We appreciate in this time of restricted Federal expenditures that the installation and operation of radar by the FAA would have a significant budgetary impact. Nonetheless, we believe that this improvement deserves your consideration.

We would also urge that no flights be allowed within the inner gorge throughout the park by air tour operators, commercial flights, or private pilots. With respect to the safety of flights above the inner gorge we would generally defer to the expertise of the FAA; however, we wish to work closely with you on this matter, especially as it pertains to the airspace below the rim.

In establishing flight paths through your regulatory actions, we also suggest that these paths not cross major visitor overlooks at the park or identified peregrine falcon nests. We will further identify these areas through consultation with the FAA.

Finally, we wish to express our further concerns over aircraft noise levels in the park. We recognize that restrictions on aircraft travel, such as flight paths and minimum ceilings, may impact adversely the profitability of air tour operations in the vicinity of the park. We also recognize that perceived effects of noise are often idiosyncratic and very difficult to determine scientifically. Each visitor places a value judgment on appropriate and inappropriate noise levels. Your agency is well experienced in addressing aircraft noise. The National Park Service (NPS) has wrestled with this problem at Grand Canyon. However, existing data does not provide a sufficient basis for making management decisions or recommendations related to noise.

While I believe the noise issue should be further addressed over the next 2 years, any conclusions should be based on thorough and scientifically sound research. Therefore, we propose that the FAA and the NPS jointly fund and undertake this research. By using this approach we may share our mutual expertise and experience in resolving this difficult issue. If both agencies have a high level of confidence in the results of the research, then FAA will have a greater confidence in promulgating future regulations.

We turn to your agency as the expert on this complex subject, and await the opportunity to consult with you on the various options under consideration.

Sincerely,

William P. Horn

William P. Horn
Assistant Secretary for Fish
and Wildlife and Parks

EXHIBIT C

THE SECRETARY OF THE INTERIOR
WASHINGTON

November 5, 1986

MEMORANDUM FOR: WILLIAM PENN MOTT

FROM: DONALD PAUL HODEL

It appears to me, that based on the Inspector General's report, and the report by the National Park Service, we ought to prepare a letter for Bill Horn's signature, to the FAA concerning the potential health and safety hazards from aircraft overflights at Grand Canyon National Park. That letter should include information, at least in general terms, related to deaths and injuries from other uses; e.g., rafting, climbing, hiking, etc. In the absence of specific numbers, a range showing X number of deaths and Y number of injuries for the same 10-year period is acceptable. Because of our commitment to send a recommendation to the FAA by November 15, these numbers may need to follow.

The report on solitude should be redone honestly, unless the NPS can rebut the conclusions contained in the Inspector General's report. Recommendations, if any, resulting from this report should be submitted to FAA at a later date. In the absence of such a rebuttal, the persons responsible for drafting the original report on solitude should be appropriately censured.. Preparation of a report containing such egregious misrepresentations is unprofessional and inappropriate for employees of the Department and an embarassment to the NPS, which I think genuinely tries to be an organization maintaining high standards of integrity for its employees.

Failure to condemn such action will manifest callous disregard for honesty, and potentially infect the entire organization.

DP Hodel

DONALD PAUL HODEL

cc: Bill Horn

EXHIBIT D

COMMENTS RECEIVED DURING PUBLIC REVIEW
PERIOD OF NPS AIRCRAFT MANAGEMENT PLAN

FALL 1985

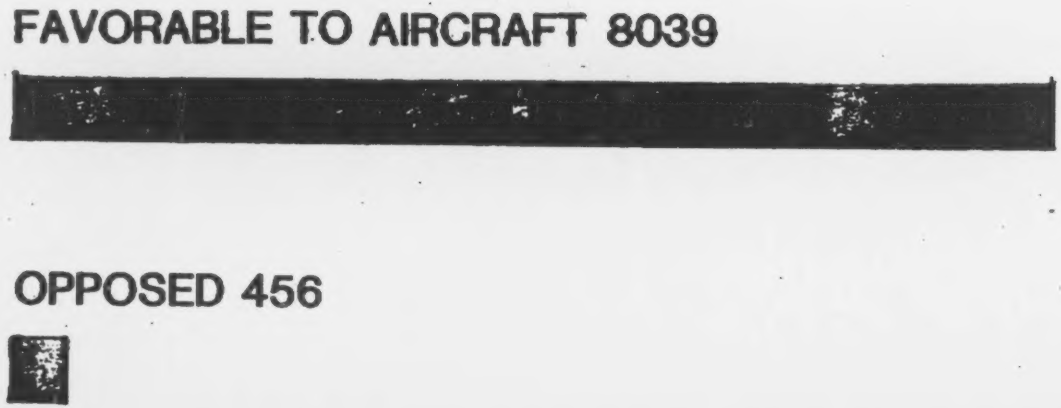

EXHIBIT E

EXECUTIVE SUMMARY

On June 18, 1986, at 0855 mountain standard time a Grand Canyon Airlines DHC-6, N76GC (Twin Otter), call sign, Canyon 6, took off from runway 21 of the Grand Canyon Airport. The flight, a scheduled air tour over Grand Canyon National Park, was to be about 50 minutes in duration. Shortly thereafter, at 0913, a Helitech Bell 206B (Jet Ranger), N6TC, call sign Tech 2, began its approximate 30 minute, on demand, air tour of the Grand Canyon. It took off from its base at a heliport adjacent to State Route 64 in Tusayan, Arizona, located about 5 miles south of the main entrance to the south rim of the National Park. Visual meteorological conditions prevailed. The two aircraft collided at an altitude of 6,500 feet msl, in the area of the Tonto Plateau. There were 18 passengers and two flightcrew members on the DHC-6 and four passengers and one flightcrew member on the Bell 206B. All 25 passengers and crewmembers on both aircraft were killed as a result of the collision.

Because of the lack of cockpit voice recorders and flight data recorders in both aircraft, as well as the lack of radar data, no assessment of the flight path of either aircraft could be made. As a result, the reason for the failure of the pilots of each aircraft to see and avoid each other can not be determined. Consequently, the issues in this accident concern primarily the oversight of the FAA on Grand Canyon based scenic air tours or sightseeing flights and the actions of the National Park Service to influence these operations. Because of an exemption to 14 CFR 135, local scenic air tours were conducted under 14 CFR 91. This investigation revealed that there was no FAA oversight on the routes and altitudes of Grand Canyon based scenic air tour operators. This was contrary to the intent of Recommendation A-84-52. Further, the National Park Service, through its authority under a 1975 law, was conducting a study to determine the effects of aircraft noise on the Grand Canyon and, at the same time, influencing the selection of air tour routes. The routes of the rotary-wing operators were moved as a noise conservation measure to where they converged with those of Grand Canyon airlines, at the location of the accident.

Other safety issues concern the lack of regulations to limit flight and duty times of pilots conducting scenic air tour flights, and the lack of a requirement for the pilots of such flights to use intercoms or public address systems when narrating during the flights.

The National Transportation Safety Board determines that the probable cause of this accident was the failure of the flightcrews of both aircraft to see and avoid each other, for undetermined reasons. Contributing to the accident was the failure of the FAA to exercise its oversight responsibility over flight operations in the Grand Canyon airspace and the actions of the National Park Service to influence the selection of routes by Grand Canyon scenic air tour operators. Also contributing to the accident was the modification of the routes of the rotary-wing operators, resulting in their converging with the routes of Grand Canyon Airlines, near Crystal Rapids.

As a result of its investigation, the Safety Board issued recommendations to the FAA to: apply 14 CFR 135 flight and duty time limitations on scenic air tour operations, require air tour pilots to use a public address system, intercom or similar system while narrating air tour flights, and require all scenic air tour flights to operate under the provisions of 14 CFR 135 and not 14 CFR 91.

ANALYSIS

2.1 General

The flightcrew of the DHC-6 and the pilot of the Bell 206B were properly certificated and qualified in accordance with the applicable regulations for their respective, local sightseeing flights. There were no medical or behavioral factors identified which could have affected their ability to conduct the flights. Both aircraft were certificated and maintained in accordance with applicable regulations and established maintenance procedures. Examination of the wreckage of both aircraft revealed no evidence of pre-collision structural failure, malfunction, or other abnormality.

Visual meteorological conditions existed at the time of the accident and there were no adverse winds reported. No weather factors that could have limited the ability of each pilot to see the other aircraft or to control his aircraft and avoid the other were identified.

In view of these findings, the Safety Board examined the operational and human performance factors related to each flight to determine why the pilots of the two aircraft failed to see and avoid each other. The Safety Board also examined the surveillance that the FAA performed on Grand Canyon sightseeing flights and the actions of the NPS relative to such flights, both independently and together with the FAA, to determine how these agencies influenced the conduct of sightseeing flight operations.

The Safety Board also focused on the role of the Grand Canyon Flight Operators Association to determine their influence on sightseeing flight operations. Finally, the crash, fire and rescue efforts in the Grand Canyon were examined for their affect on passenger survivability.

2.2 The Accident

The lack of data from cockpit voice recorders, flight data recorders as well as the air traffic control radar recorders prevented the Safety Board from reconstructing the flight paths of the two aircraft prior to the collision. Without these data the Safety Board was unable to definitively analyze the pilots' abilities to see and avoid each other. However, based on an examination of the wreckage of the aircraft, the Safety Board was able to determine the position of the two aircraft relative to each other, at the time of the collision. As a result, the Safety Board believes that the following events occurred in the collision sequence:

- The main rotor blade of the Bell 206B struck and severed the nose gear of the DHC-6.

- The opposite blade of the Bell 206B struck the aft portion of the fuselage of the DHC-6.

- The fuel cell of the DHC-6 ruptured and created the vaporous cloud of fuel, that the witnesses on the Colorado River had, most likely, observed.

- The rotor head of the Bell 206B separated concurrent with disintegration of the rotor head and blades.

- Debris from the disintegrating rotor blade struck the left side and tail of the DHC-6.

- The tail of the DHC-6 separated, creating a loss of control.

- The DHC-6 pitched over, rotated, and struck the ground, inverted.

- The Bell 206B free-fell to the ground following the rotor separation.

Figures 4 through 6 illustrate relative positions of the aircraft at the time of the collision. Figure 4 illustrates a plan view of the relative contact positions of the two aircraft. The fuselage of the Bell 206B was oriented about 45° to the left of headon to the DHC-6 . Figure 5 illustrates the relative bank angle difference, about 0°, between the two aircraft relative to each other. Figure 6 illustrates the collision of the two aircraft, viewed from aft of the Bell 206B. This reveals an approximate 6° nose down angle of the Bell 206B relative to the DHC-6. These angles were determined by an examination of the damage on the left main gear leg of the DHC-6, relative to damage on the main rotor mast of the Bell 206B, the slash mark on the aft fuselage of the DHC-6, and paint and rubber transfer marks on the Bell 206B.

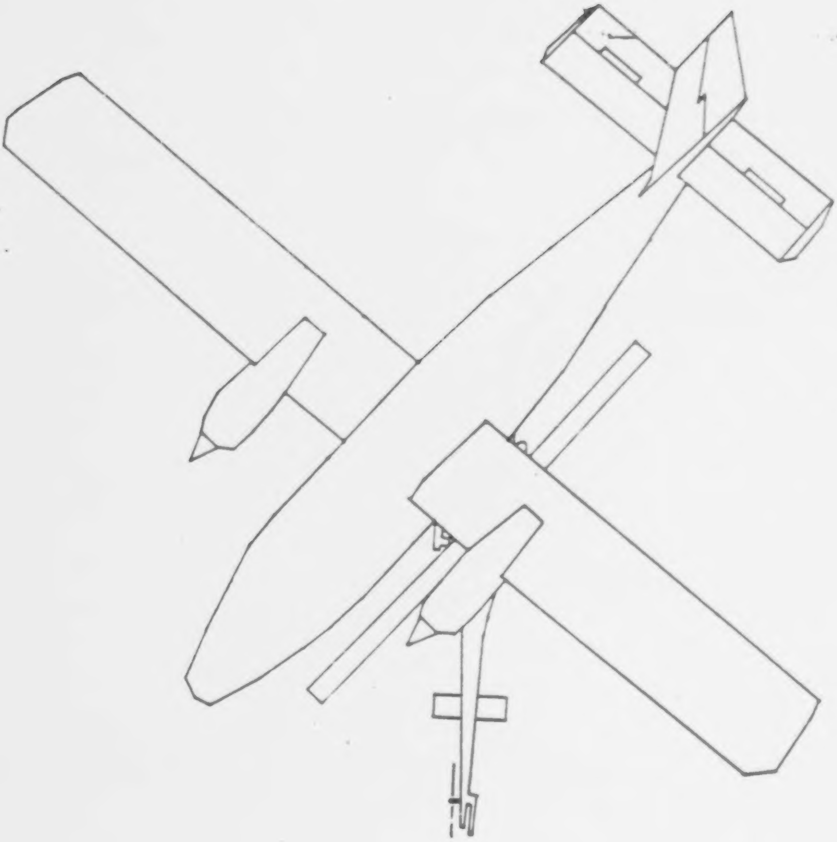

Figure 4.—Convergence of the DHC-6 and Bell 206B Overhead View

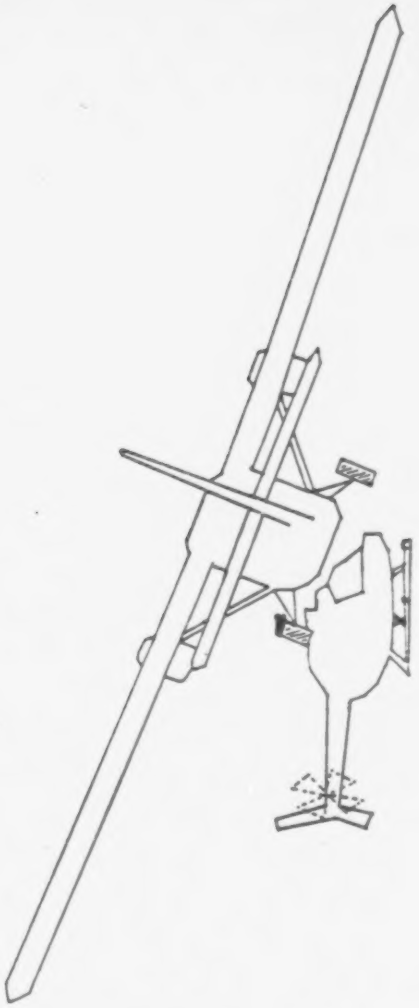

Figure 5.--Relative Bank Angles of the DHC-6 and Bell 206B. View From Aft of the DHC-6

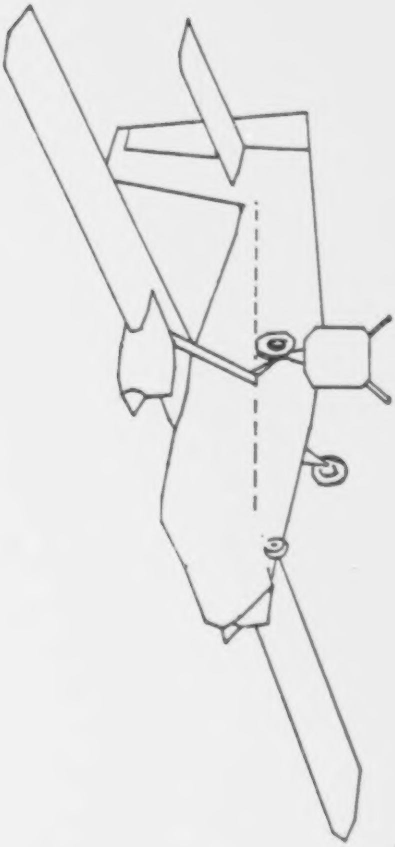

Figure 6.--Convergence of the DHC-6 and Bell 206B.

Viewed From Aft of the Bell 206B

If it is assumed that the DHC-6 was in a level attitude, then the rotor mast of the Bell 206B was banked 20° the right. Conversely, if the Bell 206B was assumed to be level, then the DHC-6 was banked 20° to the right. The Safety Board could not establish with certainty which of the two aircraft was in the right bank due to the lack of data on the flight paths of the two aircraft. However, because the collision occurred over Crystal Rapids, at a point on the routes of the two aircraft where the DHC-6 would most likely have been in a right turn to a southerly heading and the Bell 206B most likely would have been flying straight and level, the Safety Board believes that the DHC-6 was probably the aircraft that was in the right bank. (See figure 5.) However, irrespective of which aircraft was in the right bank, the impact angles and collision evidence remain the same.

2.3 Human Performance

There were no obstructions to the vision of the pilots found inside either aircraft. Although it is not known whether the Bell 206B pilot wore a baseball type cap at the time of the accident, had he been wearing such a hat, its bill would not necessarily have obscured his view of the airplane. This is because the airplane would have appeared, to the helicopter pilot, about level with the design eye reference point of the helicopter, a point in his vision unobstructed by the hat. At the same time, there is no evidence that the color of either aircraft limited the ability of the pilots to see the other. Thus, the pilots of both aircraft should have been able to see and avoid each other.

The evidence indicates that the pilots possessed considerable experience in the type of aircraft they were flying and in operating those aircraft on Grand Canyon sightseeing flights. Because of the level of their experience, the pilots should have anticipated and been prepared for the presence of other aircraft near Crystal Rapids, even without a position report from another pilot over the voluntary reporting frequency, since Crystal Rapids was a highlight of many of the Grand Canyon air tours.

Due to the lack of flightpath data, the Safety Board was unable to assess with certainty the visibility of each aircraft to the flightcrew of the other. Nevertheless, based on the sizes of the aircraft and their probable positions before the collision, the Safety Board believes that each aircraft should have been visible to the pilots of the other aircraft at least 60 seconds before the collision. At that point, the Bell 206B had reported west of Mencius Temple, while the DHC-6 would most likely have been in a northerly heading over the river. Also, at that point the aircraft were about 3 1/2 miles from each other and should have been large enough to have been visible to the crew of the other aircraft. This is particularly so since there were no obstructions to pilot visibility identified in the cockpit of either aircraft. Consequently, the Safety Board could not explain or determine why the pilots of both aircraft failed to see each other in time to avoid the accident.

Nevertheless, the Safety Board believes that certain aspects of the operation of both the DHC-6 and the Bell 206B were deficient. Specifically, the lack of limitations to the flight and duty times of the flightcrew members of the DHC-6, and the absence of an intercom or public address system on the Bell 206B detracted from the safety of both operations. Grand Canyon Airlines operated its scenic air tour flights under 14 CFR 91, therefore, it was not required to limit the flight and duty times of its pilots to that of others, operating point to point flights under 14 CFR 135. As a result, the second-in-command of the DHC-6 had accrued 160 hours of flight time in the 30 days before the accident. This exceeded the maximum number of flight time hours allowed in Part 121 and in Part 135, point to point operations by 40 hours. Although he was reported to be rested before the accident, without more information the Safety Board cannot determine the extent to which he may have been fatigued at the time of the accident.

Further, the Safety Board believes that the hours flown in scenic air tour flights can be especially tiring since the aircraft generally have no autopilots and they are flown predominantly at low altitudes, where there is often turbulence and the pilot must exercise vigilance at all times to see and avoid other aircraft. Simultaneously, they narrate highlights of the air tour. Conversely, in most Part 121 operations and in many of the Part 135 operations in which flight time maximums apply, autopilots generally control much of the aircraft functions. At the same time, many of these flight regimes occur at high altitudes with little or no turbulence, little conflicting traffic and lower pilot workload. Despite the fact that those flights, in general, are less fatiguing to pilots than Grand Canyon scenic air tour flights are, flight and duty time maximums apply to those operations and not to the air tour flights. Therefore, the Safety Board concludes that to reduce the potential fatigue the FAA should apply to air tour operations the same flight and duty time limitations that apply to 14 CFR 135, point-to-point operations.

The Safety Board also believes that the practice of Helitech pilots turning their heads toward passengers to narrate tours compromised their ability to see and avoid other air traffic. Although the former President of Helitech testified that the collision occurred at a point where there would have been no narration, the Safety Board could not determine, due to the absence of cockpit voice recorders, whether the Bell 206B pilot had been turning his head to talk to passengers at the time of the collision. Regardless, the Safety Board believes that any unnecessary activity that detracts from the ability of pilots to see and avoid other aircraft should be prohibited. Therefore, the Safety Board urges the FAA to require that air tour pilots use a public address system, intercom, or similar system while narrating air tour flights.

2.4 Grand Canyon Flight Operations

The Safety Board believes that the Grand Canyon airspace, in general, presented few hazards to flight operations. Visual meteorological conditions existed throughout much of the year and there were no obstructions above the rims to endanger aircraft. In fact, despite the considerable volume of uncontrolled traffic in the Grand Canyon airspace, there had not been a mid-air collision there in almost three decades prior to the accident.

However, before the accident, the Office of Aircraft Services of the Department of Interior identified two hazards to flight safety in the Grand Canyon airspace. They were:

> The narrow area, just above the Colorado River, known as the inner gorge, where flying was considered to be dangerous due to the limited airspace available for aircraft maneuvering,
>
> and,
>
> the possibility of a mid-air collision over the Canyon.

In addition, the Safety Board believes that several factors, together with those mentionned, further reduced the safety of flight operations in the Grand Canyon airspace, particularly those of scenic air tour operators. Perhaps most important of these factors was the limited number of scenic points and the similarity of routes, within the Grand Canyon airspace, along which many of these operators flew. As a result, the Safety Board believes that the risk of mid-air collision was higher along the scenic points where air tour aircraft operated, than elsewhere in the Grand Canyon airspace.

While some scenic air tour operators attempted to assign separate altitudes along the air tour routes according to aircraft type, the system was an informal one that was not followed by all flight operators. Therefore, pilots could not expect other aircraft to consistently maintain standardized altitudes, particularly since violators of the informal altitude separation system received no official warnings, reprimands, or enforcement actions.

Moreover, fixed-wing and rotary-wing aircraft, aircraft with substantially different flight characteristics, shared the same airspace. The mix of aircraft types created little risk to air safety as long as the aircraft were separated by altitude. However, with neither altitude nor route separation, the variety and number of aircraft types within a narrow corridor of airspace increased the risk of a collision. In addition, because there was no external air traffic facility to either monitor or control aircraft separation, the risk of a collision further increased. Consequently, pilots could not reliably anticipate the flight paths or characteristics of the aircraft they might inadvertently encounter along the air tour routes.

The Safety Board believes that the danger of a mid-air collision was greatest in the area of the routes used by the scenic air tour operators. When the rotary-wing operators modified their entry and exit points on April 1, their routes were brought closer to those of Grand Canyon Airlines. The new route of the helicopter operators intersected with that of Grand Canyon Airlines in the vicinity of Crystal Rapids, the area in which the collision occurred, at a point where the DHC-6 would have been in a right bank, and the Bell 206B, in straight and level flight. Although Grand Canyon Airlines requested that their pilots fly at 7,000 feet msl, and the helicopter operators generally flew 500 feet below, that the collision indicated that altitude separation according to aircraft type was not consistently followed. The Safety Board believes that the modification of the entry and exit points of the rotary-wing operators placed their routes closer to those of Grand Canyon Airlines at a point where the Grand Canyon Airlines airplanes would be in a right turn. Therefore, the Safety Board believes that modification of the helicopter routes, and the lack of oversight on aircraft separation within the routes contributed to the accident.

2.4.1 FAA Oversight

Since many of the scenic air tour flights were carried out under 14 CFR 91, under existing rules the FAA was not required to perform routine surveillance on those operations. As a result, they did not examine the separation among the routes and the altitudes used by the local air tour operators, require adherence to those routes and altitudes, nor oversee changes to them. Consequently, when helicopter operators modified their routes the FAA did not examine the new routes for their potential effect on aircraft separation and clearance.

In 1984 the Safety Board recommended that the FAA examine the procedures, and, if necessary, develop and publish standards for routes and altitude selection by Grand Canyon scenic air tour operators. This investigation revealed that this had not been done. The FAA inaction could have been due to the difficulty of requiring compliance of operators, flying under the provisions of 14 CFR 91, with published altitudes and routes. However, the Safety Board believes that if the FAA, through its rulemaking procedures, had modified the existing Federal Aviation Regulations to implement oversight of Grand Canyon scenic air tour flights, it likely would have recognized that the fixed-wing and rotary-wing scenic air tour routes converged near Crystal Rapids and the risk of a mid-air collision could have been reduced, had the operators been apprised of this. Therefore, the Safety Board believes that the failure of the FAA to oversee and examine the routes and altitudes of Grand Canyon scenic air tour operators contributed to the accident.

However, Grand Canyon scenic air tour operators were based in a variety of locations, including Phoenix, Los Angeles and Salt Lake City. While the FAA's Las Vegas FSDO possessed the jurisdiction over Grand Canyon scenic air tour operators who were based at the Grand Canyon as well as those based in Las Vegas, the fact remains that had the FAA possessed the necessary jurisdiction, the surveillance of operators based elsewhere would have been carried out by the FSDOs that were closest to them. Those FSDOs could not have been as familiar with the special requirements of Grand Canyon scenic air tour operators as was the Las Vegas FSDO. Therefore, because of the geographic separation among the FSDOs and the unique requirements of each, surveillance of the scenic air tour operators would not have been as effective as it could have been had one FSDO overseen all operations traversing the Grand Canyon.

The Safety Board was pleased to learn that the FAA intends to address the deficiencies in oversight and surveillance that have been identified as a result of this accident. By initiating the process, through NPRM 86-21, to modify the rules under which Grand Canyon scenic air tours are conducted, the exemption to 14 CFR 135 for Grand Canyon air tour operations will be removed. The NPRM will require those operators to develop an operations manual with specified routes and altitudes. The manuals will be subject to FAA approval, thereby requiring compliance with its contents, including routes and altitudes. Furthermore, by placing the approval authority for the manual with the office with the most experience in Grand Canyon sightseeing operations, the Las Vegas FSDO, the FAA will be able to examine the routes of those operators performing sightseeing flights over the Grand Canyon. In addition, according to the Special Federal Aviation Regulation proposed in the NPRM, by restricting the accessability of the Grand Canyon airspace to transient general aviation and military aircraft, only air tour operators familiar with the particular demands of flight in the airspace encompassing the Grand Canyon will be permitted to fly there.

The Safety Board believes that implementation of these procedures should enhance Grand Canyon flight safety by providing the FAA with the needed authorization to ensure compliance with its directives concerning the conduct of flight operations there.

At the same time, the Safety Board believes that in order for the FAA to exercise the oversight authority outlined in the rules proposed in the NPRM, the FAA must reduce the workload of the staff of the Las Vegas FSDO. The Safety Board is concerned about the potential implications of the response of the POI to the former President of Helitech when the latter sought 14 CFR 135 certification for the company. The POI, according to the former President, informed him that due to workload demands, the FSDO could take no action on the application for three months. Although the chief of the FSDO testified that the POI did not believe that the request of Helitech was a serious one, FAA personnel admitted that the FSDO workload was high. The Safety Board believes that the POI, in the interest of promoting flight safety, should have encouraged operators to seek the operating certificate requiring the highest possible standards of operations and maintenance. Therefore, the Safety Board concludes that the workload of personnel at the FSDO at the time of the accident was high, and for the proposed rules to be effective, that workload must be reduced.

In addition, the Safety Board believes that the deficiencies in the current regulations, which permitted regularly scheduled and on-demand scenic air tour flights to carry revenue passengers under the provisions of 14 CFR 91, exist beyond the Grand Canyon airspace. For example, during 1983 through 1985, the Safety Board investigated 24 accidents involving scenic air tour flights operating under 14 CFR 91, in a variety of aircraft including fixed-wing and rotary-wing as well as lighter than air aircraft. In these accidents, 17 persons were killed, 10 received serious injuries and 33 received minor injuries. The Safety Board believes that operators of revenue air tour or sightseeing flights should be required to adhere to the same regulations as operators of on-demand and scheduled flights. These regulations specify minimum levels of experience and minimum training and proficiency standards for hiring, training, and certificating flightcrew members, as well as standards for aircraft maintenance. Since the standards of 14 CFR 135 are considerably more stringent and necessarily involve a higher level of FAA surveillance than exists under 14 CFR 91, the Safety Board believes that the elimination of 14 CFR 135.1 (b)(2) will enhance the level of safety of scenic air tour or sightseeing flights. Consequently, the Safety Board believes that the FAA should require all scenic air tour or sightseeing flights, regardless of the distance flown, to be subject to the regulatory provisions of 14 CFR 135 and not 14 CFR 91.

2.4.2 Grand Canyon Flight Operators Associati

The Grand Canyon Flight Operators Association was an alliance of most of the scenic air tour operators who flew over the Grand Canyon. It attempted to provide some guidance on the conduct of the flight operations of its members. However, the ability of the Association to affect the nature of flight operations over the Grand Canyon was limited. The Association had no authority to require compliance with any advisory that it initiated, even among its own members. For example, it could take no action against the operator who flew just above the Colorado River. Although the Association recognized the need for improvements to Grand Canyon sightseeing flight operations, according to the Letter of Agreement with the FAA that it had drafted, it had no enforcement capability and could not guarantee its members' compliance with the provisions of the Letter. While the Association could communicate with its members and could inform them of a need to modify operating procedures they had no such ability with non-members.

Nevertheless, the Safety Board believes that the attempts of the Grand Canyon Flight Operators Association to enhance the level of safety of the air tour operations were commendable in the light of the lack of authority available to the Association to require compliance with its directives.

2.4.3 National Park Service

The Safety Board examined the actions of the NPS, and its coordination with the FAA, to determine what effects these may have had on the events that led to the accident. The Safety Board found that the NPS recognized and accepted the statutory authority of the FAA to regulate airspace over the Grand Canyon.

Nonetheless, the Safety Board concludes that the NPS, through its statutory authority to preserve the resources of the National Parks, created an atmosphere that led Grand Canyon scenic air tour operators to accede to their requests to reduce aircraft noise. Moreover, the Safety Board believes that the NPS made it clear to the operators, through its study process, that the conservation of resources at the Grand Canyon would affect scenic air tour operations there.

The NPS was scheduled to submit its report and conclusions to the Secretary of the Interior in the autumn of 1986. At the time of the accident, there were no restrictions to flight operations above the Canyon. However, many operators believed, and the NPS implied, that it would recommend to the Department of Interior that they seek the legislative authority to implement such restrictions. Consequently, suggestions by NPS personnel to Grand Canyon scenic air tour operators on the operation of their flights, irrespective of the informality of the requests, were taken seriously by scenic air tour operators in the hope that such cooperation would forestall the implementation of extensive restrictions. When such a request was made to rotary-wing operators to move their entry and exit points because of the proximity of those points to popular tourist sites, the operators willingly complied.

The Safety Board believes that the NPS did create the impression that they would seek restrictions on the operation of flights above the Canyon. Their request for route modification was not inappropriate; however, had the operators not complied, they would have been faced with the probability that the NPS would seek more restrictive legislation affecting flight operations in the Grand Canyon airspace than would otherwise have been sought.

Moreover, there was no evidence that the NPS worked with the FAA in making suggestions on route changes to the operators or considered the safety implications of those suggestions. Therefore, the Safety Board concludes that because the NPS indirectly influenced the modification of the routes of the rotary-wing operators, which resulted in their routes being closer to those of the fixed-wing aircraft, the NPS contributed to the accident.

2.5 Crash, Fire and Rescue Efforts

Despite the fact that the accident was non-survivable, the Safety Board was concerned that, because of the remote nature of the wreckage site, the rescue efforts may have been inadequate in the event that there had been survivors. However, due to the many helicopers in the area and the use of the common radio frequency, the Safety Board believes that a sufficient number of helicopters could have been alerted to the accident and would have been prepared to quickly provide assistance. The NPS routinely provided helicopter rescue services to those injured in remote sections of the Park.

Although the small clinic that the NPS maintained in the Grand Canyon would, most likely, have been inadequate to provide care to as many as 25 survivors of an aircraft accident, hospitals in Flagstaff and Williams, Arizona, could have provided the needed services. These hospitals had been used in the past by Grand Canyon visitors in need of more extensive treatment. Consequently, the Safety Board believes that crash, fire and rescue capabilities in the Grand Canyon would have been adequate to respond to a survivable aircraft accident in the Park.

3. CONCLUSIONS

3.1 Findings

1. The flightcrews of the two aircraft were properly certificated and qualified for their respective flights.

2. The flightcrews of the two aircraft possessed considerable experience in operating their respective aircraft in Grand Canyon sightseeing operations.

3. The accident was nonsurvivable due to the impact forces and postaccident fire that consumed much of the aircraft.

4. The two aircraft were properly certificated and maintained in accordance with applicable regulations and established maintenance procedures.

5. There was no evidence of structural failure, malfunction, or other abnormality in either of the two aircraft prior to the in-flight collision.

6. The flight paths of the two aircraft, prior to the accident, could not be reconstructed due to the lack of flight recorders and recorded air traffic control radar data.

7. The two aircraft collided at an approximate 20° roll angle and 140° collision angle.

8. It could not be explained why the flightcrews of the two aircraft failed to see and avoid each other.

9. The lack of flight and duty time limitations of the DHC-6 pilots, and the lack of intercom or public address system on the Bell 206B, limited the safety of each operation.

10. The similarity of routes and limited number of scenic points over flown by scenic air tour operators increased the risk of a mid-air collision.

11. The FAA did not modify the regulations necessary to allow them to properly oversee Grand Canyon scenic air tour flight operations.

12. The Grand Canyon Flight Operators Association lacked authority to influence the conduct of Grand Canyon scenic air tour flight operations.

13. The rule changes that the FAA has proposed should correct many of the deficiencies in current FAA authority to perform surveillance over Grand Canyon scenic air tours. However, the workload of the personnel in the Las Vegas FSDO may preclude their effective implementation.

14. The National Park Service, through its authority to preserve the resources of the National Parks, created the impression that it would seek restrictions to the use of the Grand Canyon airspace. This influenced operators to modify their Grand Canyon scenic air tour routes.

15. The modification of the routes of the rotary-wing operators resulted in their routes converging with those of Grand Canyon Airlines in the area of Crystal Rapids and this contributed to the accident.

16. Crash, fire and rescue capabilities would have been adequate to respond to a survivable aircraft accident in the Grand Canyon.

3.2 Probable Cause

The National Transportation Safety Board determines that the probable cause of this accident was the failure of the flightcrews of both aircraft to see and avoid each other, for undetermined reasons. Contributing to the accident was the failure of the FAA to exercise its oversight responsibility over flight operations in the Grand Canyon airspace and the actions the National Park Service to influence the selection of routes by Grand Canyon scenic air tour operators. Also contributing to the accident was the modification of the routes of the rotary-wing operators, resulting in their converging with the routes of Grand Canyon Airlines, near Crystal Rapids.

STATEMENT FOR THE RECORD

OF

CLIFTON F. VON KANN

PRESIDENT, NATIONAL AERONAUTIC ASSOCIATION

FOR THE

PUBLIC LANDS SUBCOMMITTEE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

ON S.451--MINIMUM ALTITUDES FOR AIRCRAFT

FLYING OVER NATIONAL PARK SYSTEM UNITS

MAY 7, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE

On behalf of the more than 250,000 members of the National Aeronautic Association (NAA), its chapters, divisions and affiliates, I offer our comments on S.451 which pertains to noise control and minimum altitudes for aircraft flying over National Park System units.

Background

By way of background, NAA is the oldest national aviation organization in the United States. It was founded as the Aero Club of America in 1905 less than two years after the Wright Brothers' first flight at Kitty Hawk. Both the Wrights were among our members, as were nearly all the great figures who helped make U.S. aviation history from Kitty Hawk in 1903 to today's exploration of space.

Throughout its 82 year history, NAA has avoided special interest objectives and has instead maintained one prime purpose, to keep the United States first in air and space flight, consistent with the dictates of safety and reasonable environmental goals. It is no coincidence that I also serve as Vice Chairman of the Flight Safety Foundation, an internationally recognized private organization with promotion of air safety its sole purpose.

S.451

We have the following problems with S.451:

- It starts out with a solution, but does not define the problem.

- It violates the proven principle that only one agency, the Federal Aviation Administration should regulate airspace.
- It would cause the Department of the Interior to duplicate statutory responsibilities already assigned to another agency, i.e. the Environmental Protection Agency (EPA).
- It seeks to regulate by statute and ignores current regulatory action in progress.
- It would encourage other organizations to seek to establish addtional airspace enclaves to the detriment of control by the Federal Aviation Administration (FAA).
- It would require additional money and manpower resources for the Department of the Interior and the National Park Service, even though these would duplicate resources already in existence.

My statement will develop these points.

Discussion

It is something of a coincidence that S.451 concerns itself with the Grand Canyon National Park. Three decades ago a mid-air collision between two airliners over the Grand Canyon resulted in the Federal Aviation Act of 1958--landmark legislation on air safety and airspace control. The principal burden of this legislation was that one agency must be given control over air safety and use of the airspace. While we may criticize some aspects of FAA's work over the past 30 years, there can be no argument that the United States aviation establishment is the best and safest in the world. Further despite the scare headlines, statistics prove that air safety is improving. The conclusion is that we should be very careful about anything which tends to weaken FAA's control over these important matters.

It is also significant that the Congress has taken on environmental concerns, particularly that of aircraft noise, and passed the Noise Control Act of 1972. This legislation allows the Environmental Protection Agency to deal with noise problems but in such a way that the importance of air safety is not downgraded--nor is FAA's control over airspace. S.451 appears to award the Department of the Interior statutory responsibilities which duplicate those of EPA, but in a way which impinges upon FAA's basic responsibilities to regulate use of airspace.

We are also concerned about the fact that this legislation is being developed at the time when the FAA is attempting, through SFAR 50, to deal with whatever problems there may be over the Grand Canyon and other national parks--even though these problems are not well defined. Certainly, in a case like this the flexibility of administrative regulation is preferable to statutory action.

We also feel that legislation such as this creates a dangerous precedent. If we establish airspace enclaves over the national parks, the Congress will be besieged with requests from other organizations who will want to establish minimum altitudes and restricted zones above their properties. This would adversely affect FAA's ability to ensure air safety through airspace control. We feel that environmental concerns are well enough protected by existing law without establishing a dangerous precedent such as this.

Finally, should this legislation be enacted, it would establish a basis for the Department of Interior and the National Park Service to demand additional man-power and money resources which could not help but duplicate similar resources already in existence in FAA and EPA. This is directly opposed to the fiscal imperatives with which the government is faced at this time.

Conclusions

The following would seem to be a preferable course of action:

- Observe the results of SFAR 50 to find out more about the problem and whether or not additional remedies are needed.
- If additional action is required, put the burden on the EPA where the statutory responsibility for protecting the environment now resides.
- If legislation still seems to be required, coordinate such legislation with the committees having jurisdiction over FAA and EPA.

This concludes my statement. If the Subcommittee has any questions, I will be happy to provide additional information.

Senator BUMPERS. Thank you very much, Mr. Kahan.

Mr. Jensen?

STATEMENT OF FRANK L. JENSEN, JR., PRESIDENT, HELICOPTER ASSOCIATION INTERNATIONAL

Mr. JENSEN. Mr. Chairman, it is a pleasure to be here this morning on behalf of the civil helicopter industry, and as you requested I will summarize.

I would like to address some of the remarks that were made by previous witnesses, particularly regarding safety. In order to do that in depth and under the constraints of time, I would like to request that these nine pages be also entered into the record.

Senator BUMPERS. Without objection.

Mr. JENSEN. I would like to read one very small piece having to do with air tour safety.

Over 10 years, 1975 to 1985, 600,000 air tour hours were logged. In those 10 years one death occurred in an air tour aircraft. It was a heart attack. In those same 10 years 80 hiking and river rafting deaths occurred. The point is that we do not feel that safety has been identified as a major issue in this particular hearing.

We, HAI, Helicopter Association International, and the industry that we represent, strongly support the principle that is being sought in the process of S. 451, i.e. identifying and mitigating threats to the national park system.

However, we feel that S. 451, as is presently constituted, creates a potentially greater threat than the perceived threat. Specifically, we oppose three sections of S. 451 in that they compromise FAA airspace management.

In Section 1, essentially FAA is relegated to the role of safety consultant to the Department of Interior. In Section 3 FAA must implement the recommendations of the Interior Department or the park service unless the FAA deems these recommendations to be unsafe.

Also in Section 3 the park service is given the authority to license air tour operators. We feel that the licensing authority was stricken from the House version of the bill and we think it will be very appropriate to remove it here also.

I would like to read very briefly a small quote from the legislative history of the Federal Aviation Act of 1958. I quote.

> Until quite recently all matters involving the use of airspace were referred to the airspace panel of the inter-agency air coordinating committee, with representatives of all agencies with any interest whatever in airspace utilization. It should be unnecessary to note that all of the evils inherent in a system of inter-agency coordination were present in full force.

That is the end of the quote.

The Act was to clear away any ambiguity about airspace management, and this is a quote, for once and for all by vesting unquestionable authority for all aspects of airspace management in the administrator of the Federal Aviation Administration.

The plenary airspace authority was described as the, quote, heart of the Federal Aviation Act. Only after describing that most important function, the history states that the administrator, this again is a quote, the administrator of the FAA is also given plenary authority in the matter of air traffic rules, as well as for the development and operation of air navigation facilities.

We have talked to a number of people in the aviation community and a number of people up on the Hill here, just to ask them what are their feelings concerning, these are primarily people expert in their respective fields. What are their feelings on S. 451 as presently constituted?

And almost all of them reject the idea of multi-agency airspace management. Most people, as I said, support it, but one person saw S. 451 only as implementing multi-agency planning and not creating a multi-agency airspace management.

Another saw no compromise of the FAA authority to manage airspace, because the FAA would have final authority, final review. And still another saw no safety hazard in the mechanism proposed for developing and implementing overflight of the national parks.

Because we feel so strongly about the FAA plenary authority over airspace, and I am speaking as a pilot of some 32 years experience, we will comment briefly on those perceptions in the event that they are shared by other people.

We think that management is distinguishable from, but may include planning, is in error. That management implies authority to direct or control the use of limited resources.

Also the argument that FAA lacks final authority in S. 451, we do not feel that that really answers the question. It does not provide for the plenary control that is specified in the FAA Act of 1958.

We feel that safety is compromised by the approach of S. 451. Even where the FAA is given final authority to evaluate and modify plans with respect to safety, the shared responsibility in airspace management is not so safe as exclusive plenary airspace management, because more variables are introduced into the concept.

Aviation safety deals with subtle pressures from these variables and seldom does an accident result from a single cause. For example, pressure from the park service to move the rotocraft tour routes was cited by the National Transportation Safety Board as a contributing cause of the tragic June mid-air collision.

In that instance the mere suggestion from the park service that might ultimately exercise future airspace management authority was sufficient pressure to cause action on the part of flight tour operators.

A second contributing factor, according to NTSB, was insufficient FAA oversight. Now we can speculate about whether FAA safety oversight would have been greater had the people asserting the pressure been part of the FAA.

The point is that a single agency has the advantage of physical proximity, shorter lines of communication, and common objectives. Otherwise, one well-run agency can certainly work within itself better than two well-run agencies can together.

We feel the appropriate response to the threat of aircraft generated noise is to support the GAO recommendations in this report dated February of 1987.

If Congress is not satisfied with the effectiveness or responsiveness of either the park service or the Federal Aviation Administration, then the appropriate action is Congressional oversight and not multiagency airspace management.

Additionally, if legislation is deemed required, the legislation should retain the FAA plenary airspace authority and study the perceived problem. We feel that removing the aircraft by altitude stipulations before studying the problem essentially negates the validity of the data resulting from the study.

We do welcome the opportunity, Mr. Chairman, to assist in any way we can.

[The prepared statement of Mr. Jensen and a subsequent submittal follows:]

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STATEMENT OF

FRANK L. JENSEN, JR.

PRESIDENT

HELICOPTER ASSOCIATION INTERNATIONAL

REGARDING S. 451

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

HONORABLE DALE BUMPERS, CHAIRMAN

UNITED STATES SENATE

THURSDAY, MAY 7, 1987

Mr. Chairman and members of the Subcommittee:

I am pleased to comment on behalf of the civil helicopter industry regarding S. 451. As a convenient reference on the industry, I would like to cite the 1987 Helicopter Annual. Copies were provided with this statement.

HELICOPTER ASSOCIATION INTERNATIONAL (HAI) POSITION.

HAI shares with this subcommittee the objective to conserve the scenery and the natural and historic objects and the wildlife in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. Because we believe that conservation implies identifying, documenting and mitigating threats to the parks, and because we believe that documenting and mitigating perceived threats to parks is the intent of S. 451, HAI is, and always has been, in favor of the principle behind the bill. Reference my testimony before the House Subcommittee in 1986 and 1987.

We feel that S. 451, however well intentioned, is an overreaction out of proportion to facts known at this time, creating potentially greater damage than the perceived threat.

Dedicated to the advancement of the civil helicopter industry

MULTIPLE AIRSPACE MANAGEMENT IS THE GREATEST POTENTIAL DAMAGE.

The HAI opposes the following portions of S. 451 in that they compromise FAA airspace management.

> Section 1 requires the Secretary of Interior to submit to Congress recommendations for legislation and regulation of overflight of the National Park System, comprising 80 million acres. The FAA is relegated to the role of safety or technical consultant.
>
> Section 3 requires the Secretary of Interior to make a final plan for the management of air traffic in the airspace above Grand Canyon National Park, an area twice the size of the State of Rhode Island. The FAA must implement the "recommendations" unless they are unsafe.
>
> Section 3 also interprets Park Service authority to include enforcing the Secretary's airspace plan and licensing aircraft in commercial operations "in connection with park units." The licensing authority was stricken from the House bill, HR. 921.

Please let me read in part from the Legislative History of the Federal Aviation Act of 1958.

> Until quite recently, all matters involving the use of airspace were referred to the Airspace Panel of the interagency Air Coordinating Committee...with representatives of...all agencies with any interest whatever in airspace utilization. It should be unnecessary to note that all the evils inherent in a system of interagency coordination...were present in full force....
>
> (Legislative History of the Federal Aviation Act of 1958, p.14)

The Act was to clear away any ambiguity about airspace management for "once and for all by vesting unquestionable authority for all aspects of airspace management in the Administrator of the [FAA]..."(Id. at 14.) The plenary airspace authority was described as the "heart" of the Federal Aviation Act. Only after describing that most import function, the History states that "[t]he Administrator is also given plenary authority in the matter of air traffic rules, as well as for the development and operation of air navigation facilities." (Id. at 15.)

MOST ALL RESPONDENTS REJECT MULTI-AGENCY AIRSPACE MANAGEMENT.

Although most people, when asked, tell the HAI that they reject multi-agency airspace management, one such person saw S. 451 only as implementing multi-agency planning and not creating multi-agency airspace management. Because the FAA has final review authority, another saw no compromise of FAA authority to manage airspace. Still another saw no safety hazard in the mechanism proposed for developing and implementing overflight of the National Parks. Because the HAI feels so strongly about the FAA plenary authority over airspace, we will comment briefly on those perceptions in the event they are shared by others.

MANAGEMENT IS DISTINGUISHABLE FROM, BUT MAY INCLUDE PLANNING

The HAI heard, seriously considered, but rejected the notion that S. 451 requires multi-agency planning but not multi-agency airspace management. Management implies authority to direct or control the use of limited resources. The Federal Aviation Act of 1958 and its legislative history are explicit. In them, airspace management is described as developing plans for and formulating policy with respect to the use of the navigable airspace; and assigning by rule, regulation, or order the use of the navigable airspace. Under S. 451 the Department of Interior would be developing the plans and formulating policy for the navigable airspace which would be implemented through regulation or legislation. Therefore, when it exercises ultimate control over some phase of the plan to be implemented, the Department of Interior's role exceeds that of planning and supplants the FAA as manager.

FAA LACKS FINAL AUTHORITY IN S.451.

Likewise, the HAI has heard, seriously considered but rejected the notion that S. 451 does not alter FAA airspace management because the FAA has the final action on airspace plans prior to implementation. Although S. 451 provides the FAA with final action it does not provide for plenary control. Throughout S. 451 the scope of FAA authority is carefully limited to safety. If S. 451 were enacted, relative to National Parks, except to effect safety modifications, FAA authority to develop plans and assign navigable airspace would be replaced by the Department of Interior's authority.

BACKGROUND AND ANALYSIS OF HR 921 AND S 451

BACKGROUND

There is a conflict between surface land users and airspace users. Because the problem has been phrased in terms of preservation of national parks, many conservationists have joined the "cause". H.R.921 and S.451 are draconian responses to even the most "conservative" interpretation of the facts and do potential damage to flight tourists, who are predominately over 50 years old, as well as to aviation.

FACTS THAT HAD BEEN CLOUDED REVEAL SAFETY BUT SOME ANNOYANCE: (Facts on Attachment A are accurate.)

Environment. Aircraft cause no damage to the parks but do annoy a small group park users studies reveal. Because the National Park Service studied the Grand Canyon National Park (GCNP) for more than 10 years, those studies comprise most of what is known about the environmental effect of overflight over national parks. This data base was misstated and misused in the National Park Service Environmental Assessment and Aircraft Management Plan for GCNP, published in 1985. Following an investigation into the Environmental Assessment(EA), the Office of inspector General, U.S. Department of the Interior wrote:

> Review of this material ... disclosed substantive inaccuracies and misstatements in the interpretation of the data from the majority of the cited studies and surveys. These inaccuracies and misstatements cast considerable doubt upon the reliability of those portions of the Memorandum and EA.
>
> Despite the factual errors and misstatements in the two decision documents, the data does reveal that aircraft generated noise is detectable in the park, and various surveys of a significant segment of hikers along the more remote trails perceive this noise as an intrusion that detracts from their experience in the park. These results may warrant consideration of limited flight free zones for related areas of the park.
>
> Additional findings presented in support of the determination of significant adverse effect were found to be either inapplicable under the criteria of 516 DM 2.3A(3) or inconclusive based upon the available scientific study data.

Interior Department Memorandum dated October 10, 1986.

Safety. Safety is not an issue. In the GCNP data base there is no evidence of aircraft overflight causing any harm to persons on the surface of the GCNP. Furthermore, until June 1986, there was only one death related to airtours and that was caused by a heart attack. In its notice of SFAR for GCNP, the FAA compliments the airtours on their safety record, and then implements regulated routes to prevent the eventuality of another mid-air collision.

Problem. The I.G's report identified the group that registered annoyance as hikers of remote trails. The Park Service data base includes a study on the demographics of those hikers. They are generally young males, predominately students and professionals. Fifty-two percent of those aged 22-24 strongly agreed that airplanes and helicopters detract from the feeling of being in a wilderness. On the other hand, although no demographic study has been done on flight tourists, it has been generally observed by flight tour operators that flight tourists are predominately over 50 years of age. Such observations are consistent with the growth in bus tours, cruises, and other tours populated by retired people wishing to see their country. The young males don't want the 20th century to interfere with their wilderness experience (even though the area is not wilderness designated) and the older people need to use the 20th century technology to see the awesome sights at close enough range to experience and appreciate them.

National Park Threat. Threats to the Parks resulting from land development, timbering, mining, acid rain, poaching, exotic encroachment by animals, plants., noise etc. are listed in the GAO report on Documenting and Mitigating Treats to the Parks (GAO/RCED-87-36). Aircraft overflight was not listed. Impliedly, there are a lot greater threats to our National Park System than overflight.

AUTHORITY IS PRESENTLY IN PLACE:

FAA. The Federal Aviation Act of 1958 proposed to clear away ambiguity once and for all by vesting unquestionable authority for all aspects of airspace management in the Administrator. This plenary authority extends to protecting people and property on the ground and has been used, for example, to eliminate, entirely, overflight of the Oberlin College of Music.

Park Service. In response to concern over external threats to National Parks, a Park Protection Working Group was established in April 1984 to research the park protection problem, develop potential solutions, and recommend a policy position which Interior should adopt. The working group's report redefined the issue from park protection to resource conflicts among agencies and had concluded that the best approach to the problem is to better anticipate, avoid, and if necessary, resolve these conflicts without establishing new systems and programs. The FAA was not a member of the group, and the group was primarily concerned with adjoining land threats but the principle applies.

Priority. The Park Service is committed to a resource management strategy in which each park is to have a resource management plan for both its natural and cultural resources. These plans were to (1) include an inventory of park resources, (2) specify necessary staff and funding, and (3) assign priorities to projects so that resources provided could be allocated toward the most serious problems. The plans are to be updated annually and used in formulating annnual Park Service budgets. (GAO/RCED-87-36 at p.2.)

ANALYSIS

This analysis is intended to be read in conjunction with Attachment B, Summary of HR 921 and S 451.

SECTION I. DELEGATES AIRSPACE MANAGEMENT TO INTERIOR AND IS FISCALLY IRRESPONSIBLE:

Congress delegated plenary airspace management authority to the FAA and can, of course, take away that authority or parts of it. Yet, the history of the development of that authority and the implications of its erosion are great. Under referenced bills the land surface user will make a study of, and plan for, aircraft overflight. FAA has been given the role of safety consultant. The HAI prays that Congress does not make such a change in roles lightly and suggests that such drastic action is overkill to the present problem.

Unlimited funds necessary to carry out this section are authorized irrespective of Park Service strategy for allocation and, because funds are tight, at the expense of potentially greater threats to the parks.

SECTION II. IS INSIGNIFICANT BUT POTENTIALLY WASTEFUL:

There are very few civil helicopter flights over Yosemite National Park. (Attachment C.) The altitude restrictions will have virtually no impact on helicopter airspace users. A problem exists because Yosemite, with a very small universe of overflights, is a mandated subject of the overflight study. Distorted generalizations may flow from a study of such a small universe and problems can arise when such generalizations are applied to all 337 National Parks. Additionally, it is financially unsound to allocate scarce resources to a study with an inadequate universe.

The Haleakala National Park restrictions are reasonable and do not eliminate flight tourists from experiencing features of the National Park. The HAI has no operational problem with the Haleakala section of this bill. We do, however, feel that the law is already in place that allows for studies in relationship to the societal need. This legislation is only disruptive of a reasonable strategy by the Park Service to determine priority and allocate resources.

SECTION III. ARBITRARILY ELIMINATES AIR TOURISTS, PREDOMINATELY RETIRED PERSONS, FROM CERTAIN NATIONAL PARK EXPERIENCES AND MAKES PARK SERVICE AN AIRCRAFT LICENSER, AS WELL AS, AIRSPACE MANAGER AND ENFORCER:

Arbitrary Elimination.

There is no substance to the findings upon which Section III.is based. See above discussion under "FACTS." The helicopter is an ideal way for tourists to experience many marvelous features without leaving any trace of their ever having been at the site.

Hundreds of thousands of flight tourists have registered their opinion that they distinguish the difference between looking down into the GCNP from above the "rim" and experiencing the various natural phenomena. This vote is reliable because they do so by paying nearly 50% more for the experience.

The referenced bills either unreasonably eliminate GCNP from study or ,if it is believed that sufficient study has been completed, then the bill arbitrarily excludes flight tourists in direct contravention to the results of the existing studies. If the special study proposed by this bill is to have any utility, the study should include GCNP where there is a reasonable universe of overflights.

Park Service as Aircraft Licenser, Airspace Manager and Enforcer.

Park Service has been delegated the authority and responsibility to develop an airspace plan for the airspace above the surface of the GCNP. Comments from the public are only to be considered with respect to safety and the FAA has the role of safety consultant. The land surface user develops the plan and the airspace user is gagged. The plan doesn't even go to Congress but directly becomes an enforceable FAR.

Further, the Park Service is to enforce the plan and may license operations within that airspace.

Death to Legitimate Helicopter Flight Tours.

The Park Service plan, which eliminates all flights below the "rim," will be in effect indefinitely, but for at least 2 years. Such a plan will impact helicopter flight tourists dramatically. A helicopter is not, nor could it survive financially as, a vehicle for flights above the "rim" from which passengers look down into the canyon. It is a unique machine that provides society with special benefits because of its safe maneuverability. Older people have discovered this benefit in large numbers. Therefore, because a helicopter company cannot lie dormant for 2 years in hopes that it will again be able to operate, skills will be lost. Congress cannot easily reverse events in 2 years. The referenced bills are a gargantuan blow to an industry and tourists who have used it for 30 years.

CONCLUSION:

Aircraft overflight of National Parks has been blown out of proportion, possibly, partially by the substantive inaccuracies and misstatements published in the GCNP Environmental Assessment.

The problem is conflict in use and evidences demographic changes in the United States. The problem is neither safety nor damage to the environment of National Parks.

There already exists sufficient authority between the FAA and Park Service to conduct studies and remedy problems identified from those studies. HR.921 and S.451 are an unnecessary and unwise use of scarce tax dollars.

HR.921 and S.451 appear to take too lightly the creation of multiagency airspace management, aircraft licensing and enforcement of airspace regulation.

ATTACHMENT A

GRAND CANYON NATIONAL PARK FACT SHEET

THE CANYON

- Two million people visit the GCNP per year.
- It includes 2000 sq. miles, (twice the size of Rhode Island)
- 674 Boeing 747's can fly, wing tip to wing tip, through the central portion of the Grand Canyon.
- At 55 mph it takes over 5 hours to drive the Canyon length.
- At 55 mph it takes 30 mins. to cross Bright Angel from South Rim/ North Rim
- From the "rim" to the Canyon floor is approximately one mile.
- Airtours fly between 500-700 ft. below the "rim".
- Hidden waterfalls, Indian ruins, and diverse terrain which changes at each level are not visible from above the "rim".

THE CANYON IS NOT A WILDERNESS

- GCNP is a multi-use, not a wilderness, area.
- Hotels are located on the rim and on the floor of the Canyon.
- Daily 10,000 people congregate at look-out points.(May-October)
- Motorized and non-motorized river boat travel 277 miles of GCNP.
- Forty-four diesel buses run continuously between "rim" points.
- Mule trips depart daily for Canyon floor hotel Phantom Ranch.

GCNP USERS

- Yearly 250,000 people (10%) hike the relatively crowded corridor with its man made conveniences.
- 30-40% of the summer visitors are foreign nationals
- Yearly 3,000-6,000 (.3%) hike the remote, desolate back country.
- Yearly 350,000-400,000 (16%) fly with an airtour.

AIRTOURS

- Airtour operators began flying the GCNP in 1926. (60 yrs.)
- There were 10,000 fewer airtour flights in 1985 than 1981.
- Four airtour companies operate from Grand Canyon Airport.
- Sixteen airtours originate in Utah, Nevada and other areas.
- One thousand people are employees of these airtour companies.
- Airtours produce 50 to 80 million dollars annual revenue.
- Airtour packages include hotel accommodations, bus tours, etc.
- Many more people are employed in the fuel, maintenance, technical and hotel support of airtours.

AIRTOUR SAFETY

- Over 10 years (1975-1985) 600,000 airtour hours were logged.
- In those 10 years, one airtour death occurred. (heart attack)
- In those 10 years, 80 hiking/river rafting deaths occurred.
- Only 15-18 airtours occur per hr during the "peak season" (2000 sq. mi, 1.5 million acres).

AIRTOUR NOISE

- Between 1978-1984 only 245 written noise complaints were filed. (.000014% of total 17 million visitors during that period)
- Written noise complaints declined by more than 50% in 1984.
- Over 85% of visitors favor continuing scenic overflights.
- A majority of backcountry hikers (.003%) are disturbed by overflight.

"FACT sdp3

ATTACHMENT B

SUMMARY OF HR 921 AND S 451 (IDENTICAL BILLS)

These bills call for:

SECTION 1.

Interior Dept.

- to study 6 national parks to determine minimum altitude for aircraft over all 337 national parks (airspace above 80 million aces),
- to report to Congress on the results of the study including recommendation for legislation or regulation of overflight.

FAA.

- to comment to Congress on safety, only, of Interior's airspace recommendations,
- to review rules and regulations of overflight at designated national parks to determine if, on the basis of aviation safety only, changes are needed,
- to report to Congress on the results of the review including recommendations on legislative or regulation needed to implement changes.

Budget.

- to authorize unlimited funds necessary to carry out Section 1.

SECTION 2. (effective for 5 years)

Yosemite National Park.

- to eliminate VFR flights within 2000 ft. vertically of Yosemite Valley upper-most rim and highest peak within 2,000 ft. laterally.

Haleakala National Park.

- to eliminate VFR flights below 9,500 ft. mean sea level over specific surface points and trails.

Enforcement.

- to immediately publish Section 2 as final FARs.

SECTION 3. (effective minimally 2 years)

Grand Canyon National Park.

(This section is premised upon two stated findings, significant noise impact and serious safety concerns resulting from aircraft overflight of Grand Canyon National Park,)

Exemptions.

- administrative flights,
- emergency flights,
- flights to the Hualapai Indian Reservation,
- flights to or from boat trips on the Colorado River.

SUMMARY OF HR 921 AND S 451

These bills call for:

SECTION 3. Grand Canyon National Park continued

Parks Service.

- to design a final airspace plan to "restore" quiet and protect public health and safety,
- to, minimally, eliminate all aircraft, from flying below the "rim" of the Canyon (Excludes predominately retired persons from use of approximately 2000 sq. mile by 1 mile deep of airspace),
- to report to Congress within 2 years on plan's success,
- to enforce airspace plan,
- to license aircraft in commercial operations in connection with national park units.

FAA.

- to enact Parks Service "recommendation" per se as an FAR unless it is unsafe.

ATTACHMENT C

This information comes from a memo of the Chief Ranger at Yosemite to the files, dated January 7, 1986. - Per Mallory Smith

Reported sightings of overflights at Yosemite in 1984 and 1985

1984

Civilian	Military	
0 - ultra lights	0 - ultra lights	
29 - fixed wing	35 - fixed wing	
11 - helicopters	14 - helicopters	
40 - total	49 - total	= 89 sightings

1985

Civilian	Military	
1 - ultra light	0 - ultra lights	
26 - fixed wing	10 - fixed wing	
6 - helicopters	19 - helicopters	
33 - total	29 - sightings	= 62 sightings

The following flights took place below altitude of 500 feet (Mallory wasn't sure if these numbers were included in those reported above).

1984

Civilian	Military	
0 - ultra lights	0 - ultra lights	
6 - fixed wing	6 - fixed wing	
0 - helicopter	2 - helicopter	
6 - total	8 - total	= 14 sightings

1985

Civilian	Military	
1 - ultra light	0 - ultra lights	
7 - fixed wing	8 - fixed wing	
0 - helicopters	6 - helicopters	
8 - total	14 - total	= 22 sightings

Helicopter
Association
International

1619 Duke Street Alexandria Virginia 22314-3406 Telephone 703/683-4646 Telex 89-615

April 20, 1987

The Honorable
Dale Bumpers
United States Senate
Washington DC 20510

Dear Senator Bumpers:

On May 7th the Subcommittee on Public Lands, National Parks and Forests is scheduled to hear S. 451. This bill is a radical, dramatic response to a perceived concern. The Helicopter Association International (HAI) respectfully requests that you consider the following before taking a position on the bill:

1. Findings and facts presented in the Grand Canyon National Park (GCNP) Environmental Assessment were found to be misstated and flawed. These inaccurate findings are repeated in S. 451 as justification for gross remedial action.

2. Interior Department. The Inspector General's (I.G.) office investigated Park Service data base supporting the environmental assessment and found only one environmental generalization, i.e., that hikers of remote trails felt aircraft overflight detracted from their experience in the Park. Any additional findings were unsupported.

3. Park Service. The Park Service formally responded to the I.G.'s Report in December 1986.

4. Inspector General's Office.

   Thomas T. Sheehan, Assistant Inspector General, Investigations, Department of Interior replied:

   > "I personally reviewed the National Parks' response and found many arguments trivial. The I.G.'s office stands by its report. The original National Parks' document did not abide by a reasonable standard of fairness.
   >
   > The office of Inspector General takes no position of desirability, or lack thereof, of overflights within the Grand Canyon. We are only to determine whether the studies on the Grand Canyon National Park were fairly and accurately reported.
   >
   > The I.G.'s office stands by its report. There will be no further I.G. office action on this investigation".

Dedicated to the advancement of the civil helicopter industry

5. FAA. After reviewing flight operations at, and NTSB safety statistics about, the GCNP, the FAA issued a statement complimenting the safety record of flight tour operators, and confirmed that there exists no evidence that persons on the ground have ever been harmed from aircraft overflight.

6. Also, FAA published a temporary SFAR in which GCNP flight tour operator routes will be enforced, thus attaining positive separation and creating flight free areas over most of the Canyon.

7. NTSB issued its report on cause and contributing factors to the mid-air collision at the GCNP in June 1986. One of the contributing factors was Park Service pressure to modify existing routes. The position of the midair collision, below the "rim", was not a contributing factor.

8. A demographic study found that above identified hikers of remote trails are a primarily small group of predominately young adults (including students) while airspace users are much larger numbers of flight tourists who are predominately over 50 years old.

The FAA and NTSB officially state that safety is not an issue in the GCNP. The potential environmental threat of aircraft to National Parks has not been documented. Therefore the scope and impact of aircraft overflight are unknown.

The HAI rigorously supports sound resource management, as well as accuracy and fairness in government. We believe that the enclosed proposed draft substitute for S. 451 retains the objective of S. 451 but is modified to reflect new information emulating from the recent events listed above.

Sincerely,

Frank L. Jensen, Jr.,
President, HAI

FLJ:gws gws3.sen-let.451

HAI PROPOSED SUBSTITUTE FOR S.451:

To require the General Accounting Office to conduct a study to determine the impact of noise on the natural features and users of National Park System units, to determine a range of acceptable noise levels, and where applicable, to recommend that the appropriate agency establish a regime to regulate noise generating activities in order to obtain the acceptable noise levels over National Park System units. This study shall occur when the supervisor of any unit within the National Parks System receives written complaints from 1 percent of that unit's users.

A BILL

To require the General Accounting Office to conduct a study to determine if noise generating activities create surface noise that unreasonably impacts National Park System units, and, if so, to recommend a range of acceptable noise levels. And, where applicable, to recommend that the appropriate agency establish a regime to regulate noise generating activities for National Park System units to reflect the recommendation from the General Accounting Office (GAO). The GAO shall consult with the Department of Interior , through the Parks Service, and the Department of Transportation, through the Federal Aviation Agency (FAA) during all phases of the study. A study shall be conducted when the supervisor of any unit within the National Parks System receives written complaints from 1 percent of that unit's users.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY OF PARK NOISE.

(a) STUDY BY THE GENERAL ACCOUNTING OFFICE (GAO) - The GAO shall conduct a study to determine what level of surface noise unreasonably impacts the National Park System units and shall recommend to all agencies regulating unreasonably noisy activities the maximum surface noise level above which unreasonable damage is done to the natural features of the park and its enjoyment by other users. The appropriate agency is responsible for establishing a regime to accomplish the GAO recommendations. Concerning aircraft overflight, when applicable, the Secretary of Transportation, acting through the Federal Aviation Administration shall establish an airspace regime to reflect the recommendations made by the GAO.

(b) GENERAL REQUIREMENTS OF STUDY.-The study shall identify any problems associated with users, including, but not exclusively, hotels, motor boats, buses, horses & mules, hikers, overnight backpackers and aircraft overflight within units of the National Park System and shall provide information regarding the types of activity which may be impacting on park unit resources. Where aircraft overflight is analyzed, the study shall distinguish between the impacts caused by sightseeing aircraft, military aircraft, commercial aviation, general aviation, and other forms of aircraft which affect units including aircraft owned or employed by the Department of Interior or components thereof.

(c) SPECIFIC REQUIREMENTS. The research at each unit shall provide information and an evaluation regarding each of the following:

(1) The impacts of surface noise on the safety of the park system users.

(2) Balance visitor enjoyment resulting from noise generating activities against other visitor's enjoyment and its impairment resulting from noise generated.

(3) Other injuries to the natural, historical, and cultural resources caused by such activities as camping hiking, boating, riding, sightseeing and flying over park system lands.

Such research shall evaluate the impact of the various makes and models of ground, water and air craft. The research shall not apply to landing fields within, or adjacent to, park system units.

(d) REPORT TO CONGRESS.-The Secretary of the Interior shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of the study carried out under this section.

(e) FAA REVIEW OF RULES.-The Administrator shall review current rules and regulations pertaining to flights of aircraft over units of the National Park System at which research is conducted and over any other units at which such a review is determined necessary by the Administrator or is requested by the Secretary. In the review under this subsection, the Administrator shall determine whether changes are needed in such rules and regulations on the basis of aviation safety. Not later than 6 months after the identification of the units of the National Park System for which research is to be conducted, the Administrator shall submit a report to Congress containing the results of the review along with recommendations for legislative and regulatory action which is needed to implement any such changes.

(e) AUTHORIZATION.-Effective October 1, 1986, there are authorized to be appropriated an amount not to exceed______________.

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Senator **Bumpers**. Thank you very much, Mr. Jensen. Let me again just state we do not have authority to meet after 1 o'clock, and that is one of the reasons I am most anxious for everybody here who is scheduled to testify to do so. Mr. Halvorson?

STATEMENT OF ELLING HALVORSON, PRESIDENT, NORTH AMERICAN HELICOPTER AIRWAYS, INC.

Mr. **Halvorson**. My name is Elling Halvorson, and I represent North American Helicopter Airways, which operates in Grand Canyon and Hawaii, and furthermore vice president and half owner of Grand Canyon Airways, which you heard some testimony on.

My views differ slightly. Although I am not opposed to legislation I believe there are some improvements that need to be considered in the legislation. North American Helicopter Airways is the largest mover of tourist-oriented people in the world.

I would like to talk today about perspectives. I have discerned from some of the questions that have been asked that there are some misunderstandings regarding the Grand Canyon, and I would like to speak in five areas. The perspective of history, the geography of the Canyon, the sound problem, and the quality of the experience.

First, regarding the history. Twenty-five years ago when Grand Canyon or North American Helicopters first began, aircraft flew within the Inner Gorge of the Grand Canyon, and that is true.

Approximately 15 years ago, due to some user complaints that were very legitimate, the aircraft industry moved its flights up above the Tonto Plateau, and I will show you what these things mean shortly, to the approximate 4,500 to 5,000 foot level.

Then most recently, or approximately 8 years ago the industry itself moved its flights up, minimum flights up to the 5,500 to 6,000 foot level. Then more recently, with the new FAA regulations, the minimum altitude is 6,500 feet for any aircraft operating within the Grand Canyon National Park itself.

This is a very small amount of aircraft, because the aircraft are staged in altitudes according to type of aircraft, the lowest being the operation of the helicopter. That basically is the history of what has happened in the Grand Canyon till now.

I would like to show you on some maps and charts here the perspective of the Grand Canyon, if I could. I have had several charts prepared, and they are all taken in this particular area, which is from Moran Point to Cape Royal.

Everything that you will see here is drawn in true perspective. This is an 8 mile distance, from Moran Point to Cape Royal. The reason that these exhibits have to be so large is that in order for one to perceive the true scale of the Canyon and to do things in true scale it takes a rather large exhibit.

This is a plan view, or a map, of the area from Moran Point, which is 7,138 feet high, to Cape Royal, which is 7,865 feet high. In this particular plan there are two aircraft in the plan drawn in true perspective, which are Twin Otters, the largest aircraft flying on tours of the Grand Canyon.

One aircraft is up here, you can barely see it. It is smudged. The other aircraft is up here. So when one sees a map or a chart filled with spaghetti patterns, that really gives a person the wrong perspective of what is happening in the Canyon. These are 1, 2, 3, 4 mile points, again to give you the perspective of the Canyon.

Let us go to the next exhibit please. This is a true cross section of the Canyon drawn to scale. When one talks about the Inner Gorge, they are talking about this portion of the Canyon. Twenty-five years ago aircraft actually flew here.

To give you the scale of the Canyon, these are the Washington National Monument stacked up in the Canyon. Again, in this Canyon there is an aircraft, which is this little fleck you can barely see. I do not know if you can see it from where you sit. That represents true scale to the aircraft, and that is the reason this chart has to be so large.

Next, these are the mile points again going across the Canyon. This is the final exhibit, and this is a photograph taken across those same two points. Moran Point to Cape Royal. I do not know who this guy is. It is the best picture I could find.

But this is the Washington National Monument in actual scale to what the eye would see at each of the mile points. There are two aircraft here above the horizon. They can be seen at the 1 mile point.

One is a helicopter and a Twin Otter. The second one is a helicopter and a Twin Otter just below the rim level, and from there on it is impossible to either draw, depict or discern the aircraft in the Canyon.

The landscape of the Canyon is so enormous, and the dimensions in this other dimension go from Washington, D.C. to New York City. So when one talks about the Canyon, you get a perspective of this very narrow gorge when in reality it is a huge valley.

I think that concludes the geography portion of my comments. As regards the concept of sound or the perspective of sound, if you listen to the testimony that has been in many of the hearings that have preceded this, one would conclude that there was a continuous drone of aircraft at the rim of the Canyon and there are aircraft buzzing over continuously.

That in fact is absolutely untrue. If you go to the rim of the Canyon to the heavy populated areas that are mapped out on the charts that we saw earlier this morning, you will not hear any aircraft, nor will you see any aircraft.

I have had people in the last two weeks go out and spend two half days at the Canyon looking for aircraft. The only aircraft they heard were very distant aircraft or very high jet aircraft.

That is a misconception that at one point in time some years ago when this study first began, did exist, and was true. But today it is not true.

Often times if you hear about a helicopter bothering people or being very close to people, it is a misconception because it is the National Park Service helicopter. That is the only helicopter that flies below the 6,500 foot level in the Grand Canyon.

It goes on search and rescue missions. Flies low over trails. It flies down to Phantom Ranch. It flies up the Bright Angel Canyon, and any other areas. It has carte blanche to fly in the Canyon.

It is misconceived and misconstrued, in fact, Mr. McCain was on a float down the river in 1985, the park service helicopter hovered over his raft. He thought it was a tourist operation, and only this past week did he find out that it was a park service operation.

Now, the effect of the legislation as it presently stands would deny thousands of unorganized Americans who do have an interest and prefer this as a way of seeing the Grand Canyon, the opportunity of seeing the Canyon, not from an overflight, but from below the rim.

There are several things that would happen as a result of this legislation, and I would like to share them with you. Aircraft in the Canyon are really the cleanest use of the national resource.

It makes no trails. It destroys no vegetation. It takes no artifacts. It leaves no rubbish. It damages no Indian ruins. The only negative factor is the footprint of sound, which in the usual situation lasts from 15 to 30 seconds. That is the real true perspective of sound in the Grand Canyon, with the effect of the legislation.

Now the quality of the experience. Appreciation is in the eye of the beholder. A painting of modern art might be exhilarating and exciting to one person and it might be trash to another person.

Similarly an aircraft flight in the Grand Canyon can be tantamount to a spiritual experience and incredibly exhilarating to one person, while another person would enjoy spending a day, as we heard today, in a very remote area and spending the day in quietness.

Neither of the aforementioned users could fully appreciate each other's use of the resource. But it is important that each respect the other and try to make the visit as enjoyable for each other as possible.

In reality if the legislation is passed as it is currently written, it will deteriorate significantly the opportunity of enjoyment, exhilaration and spiritual appreciation that the largest segment of population who visit the Canyon elect to enjoy the Canyon with.

If the flights are raised above the rim, it would have some adverse effect. It would increase the visibility of the aircraft over the Canyon. It would increase the footprint of sound pattern over the Canyon. It would insignificantly reduce the decibel levels, and I would adversely compress the airspace for use as we heard earlier.

I have some conclusions that I would like to share.

Senator BUMPERS. Mr. Halvorson, we only have 12 minutes left and we have three more witnesses. If I allow you to continue that means somebody is not going to get to testify that came from a long distance.

So I am going to ask you if you will to submit those conclusions for the record.

Mr. HALVORSON. OK, they are recommendations, actually.

[The prepared statement of Mr. Halvorson follows:]

STATEMENT BY

ELLING HALVORSON

PRESIDENT, NORTH AMERICAN HELICOPTER AIRWAYS, INC.

Before The

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

UNITED STATES SENATE

MAY 7, 1987

My name is Elling Halvorson. I reside at 5063 W. Lake Sammamish Parkway, NW, Redmond, Washington. I represent North American Helicopter Airways which is the largest helicopter sightseeing operator in the world. We have been continuously in business for twenty-five years and have pioneered the flightseeing industry as it is presently recognized.

Issues such as "Grand Canyon overflight" tend to become confused by virtue of radical testimony on both sides of the fence. For this reason I would like today to bring into perspective the reality of five different areas that easily get out of perspective. These are as follows:

1. HISTORY AND ALTITUDES

Twenty-five years ago, most scenic flights of the Grand Canyon by airplane and/or helicopter ventured into the Inner Gorge of the Canyon. Approximately fifteen years ago the flight operators universally agreed to raise the height of their flights to a reasonable altitude above the Tonto Plateau which put them at the approximate 4,500 to 5,000 foot level. This movement to increased altitude was a result of air safety considerations and a result of some user complaints of the aircraft within the Inner Gorge of the Grand Canyon.

Approximately eight years ago the flight operators raised their altitudes again in the Grand Canyon to an altitude of 5,500 to 6,000 feet or approximately 3,000 to 3,500 feet above the floor of the Inner Gorge. As a result of flight operators being sensitive to other people's needs, they have in the last two years again increased their altitudes to 6,500 feet as a base altitude and presently operate from 6,500 to 8,500 feet providing separate altitude separation for various types of aircraft. Thus, the aircraft operate from 4,000 to 6,000 feet above the floor of the Canyon Inner Gorge. This allows some portions of the helicopter flights to be slightly below the rim 500 to 700 feet and significant portions of the flight to be above rim level. This is in reality where the flights operate today.

2. GEOGRAPHY

Attached as part of my exhibit is (1) a map of the Canyon; (2) a cross section of the Grand Canyon; and (3) a photograph of the Canyon, all taken at the same location from the south rim. As can be seen from these exhibits, the reality of enormousness of the Grand Canyon is such that unless an aircraft is close to your presence, it will be absorbed by the massiveness of the Canyon.

1. Map (Exhibit 1) There are two aircraft shown on the map in true scale to the Grand Canyon. These aircraft are Dehaviland twin otters. For your convenience they have been circled to show their location. This gives one the true perspective of aircraft in the Canyon. The Canyon at this point is approximately eight miles across.

2. Cross-Section (Exhibit 2) This cross section is in true scale vertical and horizontal to provide an accurate cross section of the Canyon which is more like a valley than a canyon due to the substantial width. Depicted on this cross section is an airplane and a helicopter in true scale showing them at the lowest altitude flown in the Grand Canyon under current flight operations. To put this cross section in perspective we have stacked the Washington Monument in the Canyon.

3. Photograph (Exhibit 3) This photograh is taken at the same location as the plan view #1 above and cross section #2 above. It shows a twin otter aircraft and a helicopter at one-mile and two-mile distance. It also shows in true perspective as the eye would see the Washington Monument at one-mile, two-miles, three-miles, etc. As you can see from this illustration, it is difficult to see an aircraft even at the two-milepoint. Again, the enormousness of the Canyon is exhibited.

The exhibits on Geography tend to put into perspective the Grand Canyon's width. The length of the Canyon is equivalent to the distance from Washington, D.C. to New York City. Thus the Canyon size is put in true perspective.

3. SOUND

If one were to make conclusions from the statements that have been made at various hearings on the Grand Canyon overflight issue that conclusion would be that there is a continuous drone of aircraft in the Canyon and that aircraft are visible on an average of every one to two minutes. As a matter of fact, this is not true. If one were to go to the rim of the Grand Canyon and spend a day of viewing the Canyon from all accessible points by motor car, bus, or tram it would be rare if an aircraft were heard or seen. Enormous areas of the Grand Canyon are flight-free.

No studies have been conducted in the Grand Canyon since the flight route changes have occured which separate the sensitive areas from most traffic. Furthermore many conflicts are mistakenly perceived as tourist flights when they are in fact National Park Service administrative flights which have free access at all altitudes within the National Park and at all locations. Even with Park Service markings on the helicopter these flights are often mistakenly assumed to be tourist operations.

In final analysis, aircraft use in the Grand Canyon is the cleanest use of the National resource in as much as it creates no trails, destroys no vegetation, takes no artifacts, leaves no rubbish, and damages no Indian ruins. The only negative factor is a footprint of sound which in duration is usually from fifteen to thirty seconds and many areas of the Canyon are flight free. This is the true perspective.

4. EFFECT OF LEGISLATION AS PRESENTED

The Grand Canyon National Park is intended to be a multi-use resource. It is the wish and desire of thousands of unorganized middle class Americans, families, handicapped, elderly, etc. who wish to have the opportunity to excercise their right to see the Grand Canyon from below the rim in an aircraft. This activity can be carried out in such a manner that it does not damage the opportunity of others to see the park in their favorite way. This group of users should not be prejudiced from their opportunity to see the Canyon from below the rim.

If it is established that all flights are to be above the rim level of the Grand Canyon, this legislation would have the adverse effect of (1) increasing the visibility of aircraft over the Canyon, (2) increasing the footprint of the sound pattern over the Canyon, (3) insignificantly reducing the decibel levels and (4) it would adversely compress available air space from a safety standpoint.

Flying has been demonstrated to be the most safe way of viewing the Grand Canyon. Grand Canyon Helicopters alone have flown for twenty-five years, fifty million passenger miles without injuring a customer.

To put it into proper perspective the legislation as presented will diminish the value of experience for thousands of people who choose to see the Canyon below the rim by helicopter. It will further reduce the quality of the visit to other users by reason of the adverse impacts listed in the second paragraph above.

5. QUALITY OF EXPERIENCE

Appreciation is in the eye of the beholder. A painting of modern art may be exhilerating and exciting to one person and be trash to another person. Similarly, an aircraft flight of the Grand Canyon can be tantamount to a spiritual experience and incredibly exhilerating to one person, while another person would enjoy spending a day sitting on a quiet point of the Canyon. Neither of the aforementioned users could fully appreciate each other's use of the resource, but it is important that each respect the other, and try to make the visit as enjoyable for each other as possible.

In reality, if the legislation is passed as currently written it will deteriorate significantly the opportunity of enjoyment, exhileration, and spiritual appreciation that the largest segment of the population who visit the Canyon elects to enjoy. This is the true perspective.

CONCLUSIONS AND SOLUTIONS

The flight operators of Grand Canyon want the following:

(1) We want to provide our guests with the most safe method of seeing the Grand Canyon in its true splendor and its awesome proportions.

(2) The flight operators wish to give the public the most rewarding experience possible including the sights mentioned above - interpretive narration in some cases combine with interpretive music.

(3) The flight operators wish to have little impact on other users of the Canyon so that they may also enjoy the Canyon in their way.

I am recommending three solutions to be considered as the bill is marked up. They are as follows:

(1) Minimum altitude within the Grand Canyon should be established at 6,500 feet. This will provide the opportunity for a small section of the Canyon to be viewed from slightly below rim level. In as much as most of the Canyon is less than 6,500 feet in altitude, the bulk of all scenic flights will be at or above rim level. This recommendation will provide for only helicopters below the rim of the Canyon in as much as the FAA has provided vertical separation between the different types of aircraft. Aircraft minimum altitudes would then range from 6,500 feet for helicopters to 9,000 feet for some types of fixed wing. This is in conformance with the presently established Federal Aviation regulations.

(2) We recommend that the legislation be amended to allow the FAA to control the air space with specific regard to safety and noise sensitivity. With regard to noise sensitive areas, the FAA should consult with the Secretary of the Interior and/or his designated representative to provide for the most compatible use of the resource for all groups. This can be done by establishing flight free zones in general conformance to the attached exhibit #4.

(3) A committee should be established consisting of one member from each user group (Environmental and Flight Users) plus a member from the Interior Department, a member from the Department of Transportation, and a member from the flight operators. This group should deal with any complaints that may arise from time to time and make recommendations as deemed appropriate to the FAA, or the National Park Service, or the flight operators and/or applicable user groups.

I herewith commit the resources, talents, and energies of North American Helicopter Airways to assist in implementing such a plan. In fact, such a plan could be put into operation under existing FAA regulations without the need for new law in as much as the provisions from the Grand Canyon Enlargement Act and the New Federal Air Regulation being imposed (F.A.R. 50) effectively gives the FAA authority to control flight routes, altitudes, etc.

Thank you for the opportunity to make this presentation. It is made in good faith with the hope that everyone can enjoy the Grand Canyon National Park in each of their most favority ways with least impact from other users.

Thank you.

Senator BUMPERS. Our next witness is Mr. Walsh, executive director of Resource Center for the Handicapped. Mr. Walsh?

STATEMENT OF RICHARD WALSH, EXECUTIVE DIRECTOR, THE RESOURCE CENTER FOR THE HANDICAPPED

Mr. WALSH. Thank you, Mr. Chairman. I appreciate the opportunity to be here and I guess I am a little appalled that the big picture possibly has not even been discussed.

I am here representing the Resource Center for the Handicapped, which is a national training center for the disabled, recognized as such. There are 40 million disabled Americans in this country that have the right, as as I am concerned, to experience the Grand Canyon.

I took affront to the Senator from Hawaii. You would think that that man built the monument over there. To the Senators from Arizona, that you think that they had built the seventh wonder of the world.

I am one of the people two weeks ago that went down to the Grand Canyon. I happen to be from an environment where I had a ranch, and I am into safety and I am into the environment. I had a 150 acre ranch in Nevada, and I broke my neck falling 700 feet down the side of a mountain up by Lake Tahoe and ended up as a quadriplegic paralyzed from the neck down.

I represent a population that has the right of paying taxes and are trying to get integrated back into the mainstream of our society, that I feel should have the right to enter into the Grand Canyon.

I went to the Grand Canyon two weeks ago. I went to these viewpoints and I was appalled to find that I could not even get into them. Even the viewpoints are not accessible to me.

There were stairs and I sit there for two and a half hours on five different viewpoints on the south ridge, I did not hear one copter or one airplane. What I heard was maybe 40 buses behind me, with diesel engines going, et cetera.

Then I got on a helicopter and I have to say that it was probably one of the greatest experiences of my life. You have got to realize that I come out of a world in which I represent a lot of disabled who have experienced trauma, whether by disease or by accident, and to come off of the top of those mountains on the south rim and drop into that Canyon that is one of the wonders of the world, and I can see why.

It was spiritual to realize that God made that for all of us, for every one of us to experience, and to have a few people tell me, actually challenge my rights as a person in this country and a taxpayer, and I have paid taxes, Senator, for the last 36 years.

Even as a quadriplegic, and it might be appropriate that today is the 10th anniversary of my injury, and it is also, the Federal Government established today as National Barrier Awareness Day of the U.S.

I think it goes beyond that too. There are 17 million of the 40 million disabled Americans that are capable of gainful employment.

We have found through studies over the last 7 years that almost the ultimate vehicle, and I hate to say panacea, is if you can get the disabled to start recreating, we have found through studies that 70 percent of the disabled that can experience something like the Grand Canyon in a helicopter, which has to be below the rim, if you have come in from the 6,000 point side or the 8,000 point side, you have to be below the rim one time or another.

But anyway, those 70 percent that experience recreation are employed. It is a population that has not been allowed to go out and recreate, and they go into parks and they experience the Grand Canyon, they are on subsidy. We are spending, Senator, over $100 billion annually supporting that population.

We also have got to realize that 20 million of the disabled in this country are elderly. They cannot see the Canyon by any other means. And to let a few dictate to 40 million is a breach of every right I have.

I have been in the military for 4 years and I have served this country well. I think the Senator from Colorado, saying that he was on a 7 hour trek up into the mountains of where he was at, and to say that that experience, that 7 hour experience was ruined by a 30 second helicopter is an insult to my intelligence and I hope to everybody in this room.

I have been sitting here for two and a half hours, and hearing some of this testimony is in my mind atrocious. And I am just going to end by saying that, please look at the thing very, very carefully and realize that we are moving into a greying America, and most of those people like my mother and father can not afford to see the Canyon.

My father has worked 57 years before he retired. And he has paid taxes all those years. And he raised eight sons. He has a right as well as his peers to see that Canyon. Thank you very much.

[The prepared statement of Mr. Walsh follows:]

Testimony of Richard Walsh
before the Subcommittee on
Public Lands, National Parks, and Forests
Committee on Energy and Natural Resources
May 7, 1987

There are approximatley 40 million handicapped people in this country. Our life's dreams and ambitions are like everyone else's, including the desire to recreate. Recreation is one of the critical ways for the handicapped to get into the mainstream of society. Anybody or anything that serves to exclude a person is an obstacle holding that person back. On behalf of the Resource Center for the Handicapped, section 3 of the bill S451 would exclude a high percentage of handicapped and the elderly, both Americans and foreign visitors, from entering one of the seven natural wonders of the world: the Grand Canyon.

It has been said that the Canyon can really only be experienced. I, as a quadriplegic, and millions of others are unfortunately not physically capable of climbing down into the Canyon. We must rely on vehicles like helicopters and fixed-wing aircraft to take us there.

The greatest thrill of my life was flying in a helicopter below the rim of the Grand Canyon. It was after we took off and descended into it -- being able to see thousands of feet above me and thousands of feet below -- that I felt a part of this Creation. I felt like an eagle soaring through the most spectacular landscape I have ever seen. Flying in the Canyon seemed like a metaphor for freedom for me. For a brief, yet unforgettable time, my mind was taken off my disability, and absorbed by this ultimate form of recreation. I felt one with nature in the ultimate sense of the phrase.

The Grand Canyon is there for everyone to experience. If I am not allowed to do that, then what good is nature? Because I don't have the use of my limbs, the helicopter ride allowed me to explore the Canyon in a way that I would not have been able to otherwise. On my recent visit I was shocked and dismayed to find this world wonder had no access provisions for the handicapped, even at its roadside look-out points.

Why would I not have been satisfied to just see the Grand Canyon from above the rim? To see it only from above would be like being allowed to pass by a museum and not be able to go inside and look at its treasures. Or, it would be similar to looking at a book with an interesting title, but not being allowed to read its contents. For it is when you read a good book, delve into it, that the art form takes on meaning. The same analogy applies to the Grand Canyon. At elevations far above the rim, how could I clearly see the changes that have taken place in the landscape over thousands of years, from the action of the Colorado River upon the land. How could I possibly have the same experience that I had while inside the canyon -- focusing up close on nature? Simply stated, the Grand Canyon is useless to me and millions of other individuals if I cannot get inside it.

The disability-rights movement, which has gained momentum in the past few decades, emphasizes the need to break down the barriers to participation and equal access. The disabled population cannot afford anything that impedes its progress. Section 3 of the bill S451 would prohibit flights below the rim of the Grand Canyon National Park -- the very flights which give us access and allow us to participate in it. Therefore, if the bill were passed, it would be a setback for the handicapped population. The Congress of the United States would be making inaccessible to hundreds of thousands of people each year what Senator McCain has called "one of our Nation's crown jewels."

Disabled Americans and foreigners want access to America. Equal access to and participation in our national parks often means a helicopter or airplane ride to the handicapped and the elderly. I implore you to think about the consequences of this bill. Try to imagine if you or a loved one were in my chair. How would you feel about having this opportunity taken away from you?

Senator **Bumpers**. Thank you, Mr. Walsh. I promise you that your rights will not abridged in this legislation.

The last witness on this panel is Mr. Bob DeCamp, general manager, Hawaii Pacific Helicopter. Mr. DeCamp?

STATEMENT OF BOB DeCAMP, PRESIDENT, HAWAII HELICOPTER OPERATORS ASSOCIATION

Mr. **DeCamp**. Thank you for this time to talk. Actually I do run Hawaii Pacific Helicopters, but I am here on behalf of the Hawaii Helicopter Operators Association. I am the president.

We represent 80 percent of the commercial helicopters in the State of Hawaii. Our organization has members that represent that. I can not put it more eloquently or directly than the past witness, and I have submitted a page of testimony which basically states that we are opposed to this legislation.

But I should make a comment that I also was listening and got the impression that there is some extreme selfishness that is being portrayed of this situation. For someone who is capable and who wants to hike in the Canyon or in any other area, I think that is great and they should do that and they will get the experience that they are looking for that way.

And to claim that, as he mentioned, that a six or seven hour experience is destroyed seems somewhat selfish to me. There are not only handicapped people but there are probably millions of people that would just prefer not to have to hike. They do not want to, physically or mentally. They are not interested in that.

However, they are very willing and able and capable to get into an aircraft to be able to see something that they do have the right to see. So I will just close by saying that I think that the concept of regulation for safety and noise abatement is very good.

I just do not think that a wholesale, arbitrary selective type of legislation is fair. That is not just fair to us as operators. I am talking about fair to citizens of the country who do choose to view something like the Grand Canyon or Haleakala in another fashion other than hiking. Thank you.

[The prepared statement of Mr. DeCamp follows:]

Hawaii Helicopter Operators
Association
228 Lagoon Drive, Suite 207 Honolulu, HI 96819 (808) 836-1566

May 4, 1987

U.S. Senate
366 Dirksen Senate Building
Washington, D.C. 20510

Re: Senate Bill #S451

Senators:

The HAWAII HELICOPTER OPERATORS ASSOCIATION is opposed to the passage of S451, a bill to study noise over select units of our National Parks. This legislation sets an extremely dangerous precedent in that it undermines the F.A.A.'s control of our nation's air space by assigning it to the National Park Service. The bill will set arbitrary minimum altitudes over National Parks in spite of the fact that no data exists to substantiate the need for nor the correctness of such restrictions. We have no objection to studies meant to determine if a true noise problem exists, however, they should be done objectively and with the benefit of the knowledge and expertise of the F.A.A., not solely by the National Park Service.

Selective enforcement of aircraft is highly suspect and unreasonable. Other sources of noise exist at these parks and we feel that any study should cover them all: automobiles, buses, motorcycles, etc. Though the intent may be remedial, the restrictions may not, if fact, be safe. Whereas aircraft now fly at various altitudes and in various geographic locations, if all aircraft are limited to a particular altitude, ALL AIRCRAFT WILL BE FLYING AT THAT PARTICULAR ALTITUDE and in a narrow ribbon of geographic locale. Imagine the increase in the odds of a mishap!

The F.A.A. is in the process of releasing a Federal Aviation Regulation that will address this issue with respect to the Grand Canyon. We further understand they are devising a regulation for Hawaii and other areas of possible concern to the Congress. We strongly urge you to allow the F.A.A. to continue with their plans and for you to vote to defeat the passage of S451, as the legislation is too far-reaching, arbitrary, and not in the best interest of avaition safety, nor the millions of Americans who use tour services.

Respectfully,

Bob DeCamp
President

HHOA1

Senator **Bumpers**. Thank you very much, Mr. DeCamp. Gentlemen, I thank all of you very much for the time and efforts that you have put into your testimony, your exhibits and your willingness to come here and testify today. We appreciate it very much.

Our last witness is Elizabeth Ratcliff, who has come to testify on S. 261, the Peace Garden Project. Ms. Ratcliff, if you will take a seat and proceed at your convenience.

STATEMENT OF ELIZABETH RATCLIFF, THE PEACE GARDEN PROJECT

Ms. **Ratcliff**. Thank you, Senator Bumpers. I see that patience is not only a virtue of gardeners, but also of Senators.

I am very grateful to be here today to talk about the Peace Garden. Who can be against a Peace Garden? Hardly anybody. We have found immediate and overwhelming response to the idea of such a garden from all over the country.

Perhaps now more than ever people are yearning for growth and life and hope, everything that a garden symbolizes. Washington is a beautiful city, already graced with many gardens and monuments.

The people in charge over the years have cherished it and made the right decisions. But most of the monuments were designed in the 18th or early 19th centuries, and nowhere is there one that says specifically that the goal of our nation is peace.

The Peace Garden will be a design of our times, and it will symbolize the most profound desire of our age. An important point to remember too is that a garden opens up space, while a monument takes room.

I think that in the interests of time I probably should not go through this statement. It is going to be entered into the record, and I would much rather answer any questions, if you have any.

[The prepared statement of Ms. Ratcliff follows:]

the peace garden project

May 7, 1987

Statement to be given to the Senate Subcommittee on Public Lands,
Reserved Water and Resource Conservation.
Honorable Dale Bumpers, Chairman

The Peace Garden Project in Washington, D.C.
A Statement by Elizabeth Ratcliff

Introduction

Who can be against a Peace Garden? Hardly anybody. We have found immediate and overwhelming response to the idea of such a garden in Washington, D.C. from all over the country. Perhaps now more than ever, people are yearning for growth and life and hope, everything that a garden symbolizes.

Washington is a beautiful city, already graced with many gardens. The people in charge over the years have cherished it and made the right decisions. But most of the monuments were designed in the 18th or early 19th Centuries, and nowhere is there one that says specifically that the goal of our nation is peace. The Peace Garden will be a design of our times and will symbolize the most profound desire of our age. An important point to remember too is that while a monument takes up space, a garden opens it up.

Elaboration

It is still too early to talk specifically about a site. We have developed a good relationship with the Department of the Interior through the National Park Service and will work with them to find the most appropriate site as soon as S261 is signed into law. Our Design Committee has been meeting for several months, wrestling with the problem of defining the design objectives for a Peace Garden competition. It is not easy.

Our intention is to create a garden of such unusual beauty that it will encourage contemplation and a profound feeling of unity with humanity and nature. We want it to be a fresh, extraordinary design that is purely American. We hope that being in the garden will be an experience that changes its visitors, deepening their understanding of the significance of peace. We want it to have universal appeal and not be a platform for a single point of view. We hope that it will become part of the people's journey to Washington, a new national institution, as beloved as the Lincoln Memorial or the National Gallery of Art.

Box 5282, Elmwood Station 415-652-6351
Berkeley, CA 94705

Implementation

As soon as the Peace Garden Bill becomes law and a site approved, we plan to initiate a national competition to choose its design, as well as undertaking the campaign to raise the necessary funds to begin building the Garden. Our advisors include prominent architects, three of whom have had experience in running national design competitions, as well as several experienced fundraisers.

Everyone involved in the Peace Garden Project is looking forward to the challange of bringing it to reality. I hope that everyone here in this room this morning will do whatever needs to be done to help speed the Garden on its way.

I would like to answer any questions that any of the distinguished Senators may have. Thank you very much.

Senator **Bumpers**. Ms. Ratcliff, I appreciate that very much. You are preaching to the saved, as you know. I do not have any questions. I appreciate your interest. You remind me very much of the woman whom I live with.

Ms. **Ratcliff**. I know that is a compliment. Thank you.

Senator **Bumpers**. Well, incidentally, last week I had been down in Raleigh, North Carolina and hit my head on the rim of the lavatory in a hotel room.

I got a real shiner out of it. So everybody of course that had the courage to ask me where I got that black eye, I would tell them that my wife was only opposed to nuclear war.

But in truth she is I assume very much like you, extremely dedicated to this proposition of peace. And you know, just for the record, you will recall that several years ago I introduced a bill to establish a peace day in this country and it got torpedoed by the Senator from Alabama, who thought it was a communist plot.

Ms. **Ratcliff**. Times are changing.

Senator **Bumpers**. But this time I feel quite certain that the Peace Garden is going to sail through both Houses of the Congress with very little opposition. But I would not underestimate the possibility of some opposition to it for reasons best known to those who might oppose it.

I think it is an extremely worthwhile undertaking, and I personally appreciate your interest in it. I thank you for your patience in waiting here this morning to be our last witness. It looks like our time and all the witnesses came out about even. Thank you, Ms. Ratcliff.

Ms. **Ratcliff**. Thank you.

Senator **Bumpers**. The subcommittee will stand adjourned.

[Whereupon, at 1 p.m. the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Statement of
CONGRESSMAN GEORGE MILLER
7th District, California
May 7, 1987

Mr. Chairman and members of the Subcommittee, I am very pleased that you have scheduled a hearing this morning on S. 261, which would authorize the construction of a national Peace Garden in Washington, D.C.

Sen. Matsunaga's bill is the counterpart of my own legislation, H.R. 191, which passed the House on March 10. Identical legislation was approved by the House in the 99th Congress, but no action was taken by the Senate.

I want to express my gratitude to you, Mr. Chairman, and to members of this Subcommittee, for giving this legislation the priority which it deserves. I am most hopeful that you will be able to report this legislation to the Senate rapidly so that we may ensure its enactment at the earliest possible date.

This legislation is testament to the diligence and commitment of the participants in the Peace Garden project. It is fitting that the idea for this Garden, dedicated to the ideal of peace, originated with a group of individual citizens. Through their initiative and faith, led by the redoubtable Elizabeth Ratcliff, they have developed an idea which would bring great credit to this Congress and to this Nation: a garden dedicated to the goal and the concept of peace.

Throughout the legislative action on this proposal, we have stressed that the financial obligation for developing the Peace Garden and constructing it will be borne solely by the Peace Garden Project, not the taxpayers. Consistent with P.L. 99-652, which was enacted in the last Congress, the Peace Garden Project would also be responsible for a portion of the long-term maintenance of this garden.

The actual design of the garden will be determined through a national competition. However, I believe that we are all in agreement that the design should be simple and evocative of the ideal of peace. The final design will be subjected to an extensive review process, and will secure the approval of the Commission on Fine Arts and the National Capital Planning Commission.

This proposal has enjoyed broad support in the Congress, and from the Administration as well. There is no known opposition to enactment of this legislation.

Passage of this legislation will enable the Peace Garden Project to move forward with further planning and fundraising. I would sincerely hope that the Subcommittee will expedite approval of this legislation so as to encourage and support that very worthwhile project.

SPARK M. MATSUNAGA
HAWAII

WASHINGTON OFFICE
109 HART BUILDING
WASHINGTON, DC 20510

HONOLULU OFFICE
3104 PRINCE KUHIO BUILDING
HONOLULU, HI 96850

United States Senate
WASHINGTON, DC 20510

CHIEF DEPUTY
DEMOCRATIC WHIP

MEMBER
COMMITTEE ON FINANCE
COMMITTEE ON LABOR AND HUMAN RESOURCES

COMMITTEE ON VETERANS' AFFAIRS

May 15, 1987

Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands and
National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, D. C. 20510

Dale
Dear Mr. Chairman:

I am forwarding a statement submitted by Rear Admiral Gene R. La Rocque, USN (Ret.) for inclusion in the hearing record on S. 261, a bill authorizing the establishment of a Peace Garden in the District of Columbia.

Again, many thanks for holding timely public hearings on S. 261.

Aloha and best wishes.

Sincerely,

Spark

Spark Matsunaga
U.S. Senator

Enclosure: Statement of Rear Admiral Gene R. La Rocque, USN (Ret.)

STATEMENT BY

REAR ADMIRAL GENE R. LA ROCQUE, U.S. NAVY (RET.)

DIRECTOR

CENTER FOR DEFENSE INFORMATION

BEFORE THE

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS

8 MAY 1987

Mr. Chairman, I am very pleased to have the opportunity to support the creation of a Peace Garden in the District of Columbia. S. 261 embodies the ideals of the American people and deserves the enthusiastic endorsement of the U.S. Congress.

I am a career military man. I had the honor of serving my country in war and peace for more than thirty years. There are many memorials to the wars our country has fought over the years. Monuments to the heroes of past wars abound in Washington, D.C. and other American cities and towns. All wars involve tremendous sacrifice, and it is appropriate that we commemorate these events and those who took part in them.

But our country stands for more than martial ideals and accomplishments. Americans value peace and peace-makers. Our heroes are not just soldiers. We all know this, but as a society we have not done enough to create compelling monuments and symbols of our commitment to peace. A Peace Garden in our nation's capital would help to correct this imbalence.

A Peace Garden will show young people and others our pride in peace. It will be a place where the positive aspirations of the human spirit will be nourished and celebrated. It will glorify the living as well as the dead. We may even hope that this small but vital step will inspire a new generation of peace-makers.

NUCLEAR WEAPONS FREEZE CAMPAIGN
220 I Street, N.E.
Suite 130
Washington, D.C. 20002
(202) 544-0880

April 8, 1987

Senator Dale Bumpers
U.S. Senate
Washington, D. C. 20510

Dear Senator Bumpers:

Rep. George Miller (D-CA) has informed us that you are chairman of the Subcommittee which has jurisdiction over S. 71, legislation sponsored by Sen. Spark Matsunaga (D-HI) to create a national Peace Garden in Washington, D. C. The companion measure, H.R. 191, has already passed the House of Representatives.

We believe that a national Peace Garden would be a positive development in our nation's capitol. Washington is visited by citizens throughout the country and people throughout the world. A peace garden will serve as a symbol to all Americans and international visitors that peace is a prerequisite for a strong democracy and justice at home and abroad.

As a strong supporter in arms control and peace, we strongly urge you to expedite early passage of S. 71. A national Peace Garden would be a gift to ourselves in the 200th anniversary of the U.S. Constitution.

Very truly yours,

Carolyn Cottom

Carolyn Cottom
Executive Director

cc: Rep. George Miller
Senator Spark Matsunaga

THE FREEZE
Because Nobody Wants A Nuclear War

May 7 [illegible]

HANNIBAL TAVARES
Mayor
TELEPHONE 244-7855
cmo

OFFICE OF THE MAYOR
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

May 6, 1987

Honorable Spark Matsunaga
United States Senator
109 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Matsunaga:

I was very pleased to learn that the U.S. House of Representatives recently passed legislation to impose flight restrictions over Haleakala, Grand Canyon and Yosemite National Parks and that you have sponsored a companion bill which is scheduled for a hearing tomorrow before the Senate Energy Committee.

The purpose of this letter is to go on the record at the hearing that I strongly urge the passage of these bills. As I have testified previously, aircraft noise is a very serious problem in Haleakala National Park and this legislation is essential to arriving at a solution of this problem.

I really appreciate your efforts to establish legislation to improve the environment of our national parks.

Very truly yours,

Hannibal Tavares

HANNIBAL TAVARES
Mayor, County of Maui

cc: Planning Director
W.S. Haines, Executive Assistant
William Mowry, State Helicopter
and Tour Aircraft Advisory Board

Hawaii Pacific
HELICOPTERS

April 26, 1987

Senator Dale Bumpers
229 Senate Dirksen Office Building
Constitution Ave. between 1st St. & 2nd St. N.E.
Washington, D.C. 20510

Dear Senator Bumpers:

On behalf of HAWAII PACIFIC HELICOPTERS, I would like to state our opposition to the passage of S451 as it is currently written, a bill to study noise over select units of our National Parks.

This legislation sets an extremely dangerous precedent in that it undermines the F.A.A.'s control of our nation's air space by assigning it to the National Park Service. The Bill, as it pertains to Hawaii, will arbitrarily establish minimum altitudes over two National Parks in spite of the fact that no data exists to substantiate the need for such a restriction. We have no objection to studies meant to determine if a true "noise" problem exists. However, this should be done objectively and with the benefit of the knowledge and expertise of the F.A.A., not the National Park Service alone.

To single out aircraft is highly suspect and unreasonable. Other sources of "noise" exist at these parks and we feel that any noise studies should cover them all: automobiles, buses, motorcycles, machinery, etc. The study, as proposed, will last for three years, while the altitude restrictions will be in effect for five years. Such restrictions are not necessarily the solution to a problem that has yet to be determined. Though the intent may be remedial, they may not, if fact, be safe. Whereas aircraft now fly at various altitudes and in various geographic locations, if all aircraft are limited to a particular altitude, ALL AIRCRAFT WILL BE FLYING AT THAT PARTICULAR ALTITUDE and in a narrow ribbon of geographic locale. Imagine the increase in the mathematical odds of an accident.

Air tours in Hawaii contribute substantially to total tourism revenues. Thousands of people derive their incomes from these operations. Altitude limits could eliminate this industry if studies are not done with the utmost scrutiny and fairness. In

Mailing address and Airport Operations
228 Lagoon Drive, Suite 207
Honolulu, Hawaii 96819
(808) 836-1566

North Shore Location
Turtle Bay Hilton & Country Club
57-091 Kam Highway
Kahuku, Hawaii 96731
(808) 293-8811 ext. 677

the Grand Canyon of Arizona, such studies were done by the Park Service. Their results were sent out to many members of Congress, the environmental community, and the general public. After investigation by the Inspector General's Office of the Department of Interior, they were found to be misrepresented and falsified. We fear that the NPS in Hawaii, as well as other parks throughout the country may act as irresponsibly as those at Grand Canyon did.

S451, in its Section III, will allow the National Park Service to establish an aircraft management plan at Grand Canyon, that need only be "approved" by the F.A.A. with a mandatory "below the rim" ban, in spite of the fact that this could be unsafe. Currently the F.A.A. is in the process of releasing a Federal Aviation Regulation that will address the issue at Grand Canyon. We further understand that the F.A.A. is in the process of devising a regulation for Hawaii and other areas of possible concern to the Congress. We believe administrative solutions to be highly preferable to legislative solutions.

We strongly urge you to allow the F.A.A. to continue with their plans and for you to vote to defeat the passage of S451, as this legislation is too far-reaching, arbitrary, and not in the best interest of aviation safety, nor the millions of Americans who use air tour services.

Very respectfully yours,

Bob DeCamp
General Manager

S451.1

Robert P. Carr
Natural Science Photography

Box 1861 • East Lansing, MI 48823

June 30, 1986

Richard W. Marks, Superintendent
Grand Canyon National Park
Box 129
Grand Canyon AZ 86023-8129

Dear Mr. Marks,

Thank you for the document outlining proposed overflight management alternatives for Grand Canyon National Park. Upon review it is apparent that alternative #6 offers the greatest protection to the park and to its visitors. However, it falls far short of complete protection for all park lands; a point I cannot emphasize to strongly.

As an active commercial pilot I understand the "lure" of flying in such spectacular surroundings. As a naturalist I see the great folly of trying to compromise such a sanctuary for the spirit. The canyon and its environs are no place for machines and this includes aircraft.

Sincerely,

Robert P Carr

'OHANA
HELICOPTER
tours

May 10, 1987

Senator Dale Bumpers
229 Dirksen Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

As a commercial helicopter operator, I would like to express my strong opposition to pending legislation (S451), a bill to study noise over select units of our National Parks.

This bill has dangerous overtone in that it would usurp control of the Nation's airspace from the FAA as well as duplicate initiative currently under consideration by this agency. The immediate impact to our operations in Hawaii would be the establishment of altitude restrictions over two National Parks in spite of the fact that no data exists to substantiate the need for this arbitrary restriction.

In the interest of aviation safety and fairness, it would seem appropriate for the FAA to act as the focal point for any studies impacting the control of National airspace. To relegate a portion of this responsibility to the National Park Service will only serve to fragment the system structure and open to State and Local government, the opportunity to meddle in this all to sensitive area.

I would welcome an open, unbiased, comprehensive study on "Noise" of all sources versus the single focus of the proposed legislation. There is little doubt that some NPS employees feel that it is their responsibility to turn all parks into "wilderness areas."

I strongly urge you to preserve the integrity of our National Airspace while assuring fair and equitable treatment of our industry by voting in opposition to this legislation.

Thank you for your kind consideration.

Sincerely,

'OHANA AVIATION, INC.

BOGART L. KEALOHA
President

BLK/JAC

'OHANA AVIATION, INC. • 3222 Kuhio Hwy., Suite #4 • Lihue, Kauai, Hawaii 96766 • (800) 222-6989 • (808) 245-3996

THE FOREMOST WEST
Arizona Colorado New Mexico Utah Wyoming

Four Corners Regional Tourism Organization, Inc.

BRADLEY SMITH
Executive Director
770 East South Temple
Suite B
Salt Lake City, Utah 84102
801 532 6666

May 19, 1987

Honorable Dale Bumpers
Chairman Energy and Natural Resources Committee
358 Senate Russell Office Bldg
Washington D.C., 20510-6150

Dear Senator Bumpers,

Tourism is an extremely valuable business in our western states. These states are highly economically dependent upon tourism and many communities are totally reliant upon it for survival. Any legislation which has a negative impact upon one tourism business not only effects that entity, but also the economics of the entire region.

The Foremost West is a multi-state tourism board promoting international tourism into our five state region. Therefore we are concerned about the product we have to draw tourists into the region and keep them here during their stay.

International tourists are important, they bring fresh dollars into our economy and are the one bright spot in the balance of payments scenario. The United States Travel Data Center reports that international visitors spend four times the amount of dollars that a domestic vacationer spends, and they stay within our region longer, covering a multitude of activities and attractions during one visit. The two million international visitors to our western states infused over two billion dollars into our local economies in 1986 alone.

International tourism saw a growth of 12% in 1986 and is predicted by the US Travel and Tourism Administration to gain another 12% in 1987. This is an area of growth we can not ignore, nor can we enact legislation which is detrimental to this growth. Senate Bill 451 would be such legislation.

The geographic area we have is rich in natural treasures which draw international visitors to enjoy and experience this beautiful scenery, but those wealthy visitors must have a convenient means to easily access it.

The helicopter flight into the Grand Canyon provides that experience. Most certainly it can be as safe as any international air travel. Thus, the experience draws international visitors into the area, keeps them in the area and sends them home to tell friends who may then visit our region, perpetuating the economic benefits.

Grand Canyon's helicopter load factor is 50% international visitors who highly desire this service.

As a long time backpacker and river runner, and as one whom has experienced the canyon on foot, by raft, by fixed wing aircraft, and on a helicopter flight, I can assure you that the diverse users of the canyon can co-exist- neither endangering nor marring the experience of this wonder of nature for the other.

I would urge you to defeat Senate Bill 451 which, if passed, would have a negative impact, not on only scenic flights, but on the economic impact of our entire region.

Sincerely Yours,

Bradley P. Smith

c.c.: The Honorable Jake Garn
The Honorable Orrin Hatch

Travel Industry Association of America

1899 L Street
Northwest
Washington, D.C.
20036

Telephone
202
293-1433
RCA 248799

DISCOVER AMERICA

May 19, 1987

The Honorable Dale Bumpers
Chairman, Public Lands, National Parks
and Forests Subcommittee
Committee on Energy and National Resources
United States Senate
308 Dirksen Senate Office Bldg.
Washington, DC 20510

Dear Chairman Bumpers:

Pursuant to the hearings held on May 7, the Travel Industry Association (TIA) appreciates this opportunity to provide comment, for the record, on S. 451.

TIA is the national non-profit association representing all components of the U.S. travel industry, the third largest retail industry in the United States. Travelers spent $269 billion last year, supporting over 5 billion American jobs and generating over $33 billion in federal, state and local tax revenue.

A member of TIA, James L. Kahan, President of the Grand Canyon Flight Operators Association, recently testified before your subcommittee. Mr. Kahan has provided comments which, in our view, will assist the subcommittee in finding an accommodation that will both ensure the safety of Grand Canyon "flightseers" without reducing tourism to one of the most popular National Parks in the system.

As you know, tourism is not only important to the Canyon area, but vital to the state of Arizona and the surrounding region. In 1984, the latest year for which data is available, tourism was the number one employer, supporting 90,000 jobs. That same year, tourists spent over $11.5 million per day in Arizona contributing over $200 million to the federal treasury.

National Chairman
John A. Ueberroth
President
Carlson Travel Group

First Vice Chairman
William S. Norman
Executive Vice President
Marketing & Business
Development
Amtrak

Second Vice Chairman
William H. Thurman
Vice President & General Manager
Busch Entertainment Corporation

Secretary
Michael L. Jenkins
Director of
Business Marketing
AT&T

Treasurer
David J. Humphreys
President & General Counsel
Recreation Vehicle Industry Association

President
William D. Toohey
Travel Industry Association of America

Executive Vice President
George L. Fichtenbaum
Travel Industry Association of America

We recognize that this is a complex issue of concern not only to flight operators but the various government agencies which regulate these companies in accordance with federal law. It is our hope that a compromise can be reached allowing flights to be safely continued.

We thank you for your consideration of these issues and should you need additional information, please do not hesitate to contact us.

Sincerely,

William D. Toohey

William D. Toohey
President

nta
NATIONAL TOUR
ASSOCIATION, INC.

May 26, 1987

The Honorable Dale Bumpers
Chairman
Energy and National Resources Subcommittee
on Public's Lands
United States Senate
Washington, D.C. 20310

Dear Senator Bumpers:

The National Tour Association (NTA) joins with the U.S. Department of the Interior and the National Park Service in urging the rejection of S451. The grounds for our objections to this bill is that it should be left to the Department of the Interior to work out a rational framework to ensure a proper balance of the basic concerns about the auditory and visual sanctity of the Canyon for the individual visitor, while not eliminating the opportunity for group visitors (450,000 annually) to also share in the Grand Canyon experience. Group visitors to the Canyon are not only deserving of consideration because of their large numbers but also because they often are not physically capable of experiencing the Canyon through other more strenuous alternative methods.

The Department of the Interior is committed to striking this balance. An arbitrary legislative meat ax will not obtain that goal. We are requesting that this letter and our opposition to S451 be entered into the record of the Subcommittee's hearings on the bill held on May 7, 1987. Thank you for your consideration of our views on this matter.

Sincerely,

David Lippincott

David Lippincott
President

NORTH AMERICAN HEADQUARTERS: 546 East Main Street • P.O. Box 3071 • Lexington, Kentucky 40596-3071 • Telephone: 606/253-1036
A non-profit organization of tour operators serving the group travel industry since 1951

ASTA
American Society
of Travel Agents Inc.

4400 MacArthur Blvd., N.W., Washington, D.C. 20007

Telephone: 202/965-7520 • Telex: 440203 • Cable: Astamember

Francis H. Goranin, CTC
President and Chief Executive Officer

May 22, 1987

The Honorable Dale Bumpers
Chairman
Energy and Natural Resources Subcommittee
on Public Lands
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

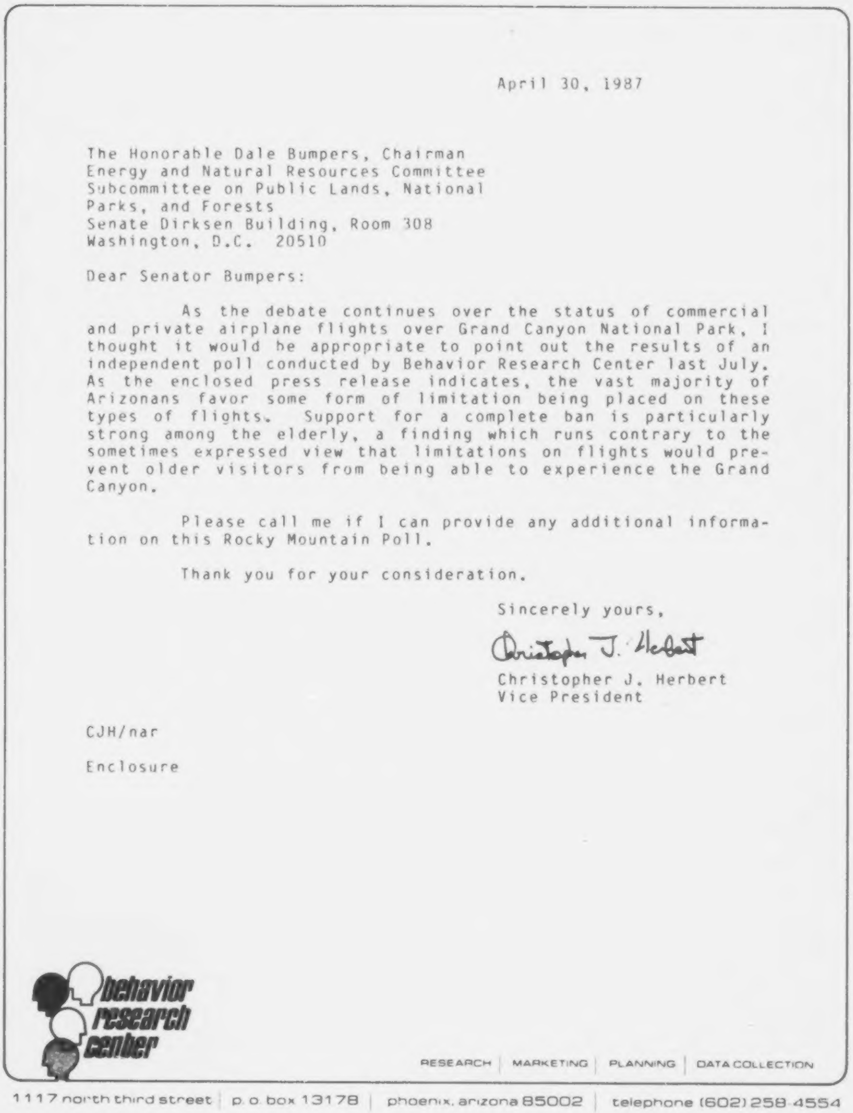
The American Society of Travel Agents, Inc. (ASTA), founded in 1931, strives to enhance the ability of its members to conduct their businesses with integrity and competency, to represent its members in government in the travel industry and to promote travel and travel agents to the public at large. ASTA, the largest and oldest professional travel organization in the world represents over 20,000 members in 129 countries.

I would like to note for the record that ASTA strongly favors the continuation of flights which currently occur in the Grand Canyon for tourism purposes. We feel that the Grand Canyon is truly one of the greatest natural tourism attractions and provides memorable experiences for travelers the world over who come to witness its beauty.

We would like to stress, however, that although we support the continuation of these flights below the rim of the Canyon, we would insist that the government continue to insure that the equipment used meets all the necessary safety standards and their operations are conducted under strict safety rules and regulations. In promulgating these rules and regulations and insuring that they be adhered to the concerns of environmentalists should be taken into consideration as well.

Sincerely,

Francis H. Goranin, CTC
President and Chief Executive Officer



April 30, 1987

The Honorable Dale Bumpers, Chairman
Energy and Natural Resources Committee
Subcommittee on Public Lands, National
Parks, and Forests
Senate Dirksen Building, Room 308
Washington, D.C. 20510

Dear Senator Bumpers:

As the debate continues over the status of commercial and private airplane flights over Grand Canyon National Park, I thought it would be appropriate to point out the results of an independent poll conducted by Behavior Research Center last July. As the enclosed press release indicates, the vast majority of Arizonans favor some form of limitation being placed on these types of flights. Support for a complete ban is particularly strong among the elderly, a finding which runs contrary to the sometimes expressed view that limitations on flights would prevent older visitors from being able to experience the Grand Canyon.

Please call me if I can provide any additional information on this Rocky Mountain Poll.

Thank you for your consideration.

Sincerely yours,

Christopher J. Herbert

Christopher J. Herbert
Vice President

CJH/nar

Enclosure

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research
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NEWS RELEASE [86-III-7]

FOR IMMEDIATE RELEASE

Contact: Earl de Berge
Research Director
(602) 258-4554

ARIZONANS FAVOR LIMITING SIGHTSEEING FLIGHTS OVER GRAND CANYON NATIONAL PARK

PHOENIX, Ariz. (July 23, 1986) -- Environmental groups contend that there may be as many as 50,000 sightseeing flights into the Grand Canyon National Park each year and that it has become impossible to escape the sound of aircraft in the Canyon's back country.

In counterpoint, operators of commercial sightseeing air tours contend they have a right to fly the Canyon and that the battle is not over noise or safety, but over who gets to use the park.

Arizonans apparently agree with the environmentalists and with legislation introduced by Congressmen John McCain (R, AZ) and Morris K. Udall (D, AZ) last month. The legislation would ban most aircraft below the rim of the Canyon and direct park officials to restore the natural quiet of the Canyon.

The findings outlined in this report are based on a survey of 560 residents of Maricopa and Pima Counties by the Behavior Research Center of Arizona. This study was conducted in early July and is part of the Center's independent and non-partisan Rocky Mountain Poll series.

Six out of ten urban Arizonans favor limiting sightseeing flights over the Canyon, and another fifth favor an outright ban of such flights. Only 17 percent think that such flights should be permitted to continue without restrictions.

- more -

1117 north third street | p.o. box 13178 | phoenix, arizona 85002 | telephone (602) 258-4554

Arizonans most in favor of banning Grand Canyon flights include voters over 55 years of age and particularly retirees, longer-term residents, Democrats, and women.

- 30 -

EDITORS NOTE: This Rocky Mountain Poll - Arizona (86-III-7), is based on 560 personal interviews with adult heads of household throughout Maricopa and Pima Counties. Completed in July, 1986, the margin of error is estimated to be +/- 4.2 percent at a .95 confidence interval. The Rocky Mountain Poll is conducted by the Behavior Research Center of Arizona and is an independent and non-partisan research program sponsored by the Center.

BELOW: Statistical tables for file retention.

STATISTICAL DATA:

Behavior Research Center, Inc.
Rocky Mountain Poll - Arizona
86-III-7

"Do you think that sightseeing flights over Grand Canyon National Park should be banned completely, limited in some ways, or should such flights be allowed to continue?"

	Ban	Limit	Continue
Total	19%	61%	17%
Men	17	61	21
Women	22	62	13
Under 35 years of age	12	68	19
35 to 54	20	63	15
55+	27	52	18
Democrat	27	59	14
Republican	18	64	17
Independent	18	65	17
Business owners	12	63	25
White collar workers	18	64	16
Blue collar workers	17	63	18
Retirees	29	52	19
Less than 11 years residency	17	64	16
11 or more years	22	59	17

AOPA
AIRCRAFT OWNERS & PILOTS ASSOCIATION
421 Aviation Way, Frederick Airport, Frederick, MD 21701, Telephone (301) 695-2000 Telex 89-3445

FTR

STATEMENT OF JOHN L. BAKER

PRESIDENT

AIRCRAFT OWNERS AND PILOTS ASSOCIATION

Regarding S. 451

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

HONORABLE DALE BUMPERS, CHAIRMAN

UNITED STATES SENATE

THURSDAY, MAY 7, 1987

The Aircraft Owners and Pilots Association (AOPA) appreciates this opportunity to submit this statement regarding S. 451, the national parks overflight legislation. AOPA, which represents 260,000 members of the general aviation community who fly for business and personal transportation, has long recognized its obligation to help minimize the noise impact of air transportation. Our awareness is most acute in those areas that are set aside for preservation of wildlife or for citizen enjoyment of natural resources.

Proposed Studies

AOPA has demonstrated its concern for our national parks by promoting pilot education, mandatory prescribed routings, and avoiding the most noise-sensitive areas of parks. We have also publicized the overflight problem in the August 1985 issues of the AOPA Newsletter and the February 1986 issue of AOPA Pilot magazine (attachments 1 and 2).

We are concerned over the potential intervention of the National Park Service in an airspace and aviation safety issue. While we are disturbed over the FAA's lack of responsiveness on noise associated with air traffic over national parklands, we must believe it is essential to maintain the FAA as the primary agency controlling national airspace use.

We support the concept of S. 451. However, for reasons previously mentioned, we do oppose restrictions at Yosemite and Haleakala Parks during the study period because we do not believe the results will be realistic due to the exclusion of low-altitude aircraft.

Since July of 1985, AOPA has been a constant participant in a local working group formed by the National Park Service at the Grand Canyon. This group has formulated an Aircraft Management Plan for the park. Because of the park's vast size, its uniqueness, and its large number of visitors, the plan is viewed by us as a national precedent for airspace management in the National Park System. For this reason, we have taken our participation seriously with the objective of resolving the problem through pilot education and voluntary adherence to the recently issued Federal Aviation Administration Advisory Circular 91-36C. Entitled "Visual Flight Rules (VFR) Flight Near Noise Sensitive Areas," the circular has not had wide dissemination in the aviation community. Because the revision contains a new definition of the surface of a National Park Area as being "the upper-most rim of a canyon or valley," its wide distribution is extremely important.

It is important to note that there has been prescribed routing and traffic flow information published for the Niagara Falls area for years which has served the local commercial and general aviation pilots satisfactorily.

This and other educational efforts are necessary and have been highlighted in our letters to the Park Service. An educational initiative is entirely in keeping with an 1984 Interagency Agreement between the National Park Service (NPS), the Fish and Wildlife Service (FWS), and the Federal Aviation Administration (FAA), which specifies the importance of such education. It is important to note that the Agreement also sets up a mechanism for the involved agencies "...to assess severe situations where impacts of aircraft operations upon human, cultural, or natural resources are sufficiently serious to warrant consideration of site-specific action by the FAA to minimize or eliminate the causes of such problems. When appropriate, the FAA will advise the NPS and FWS on techniques of conducting scientific studies and data collection to facilitate understanding of the impacts of aircraft operations on affected resources."

This is clearly what is called for in S. 451, and we support the conduct of a definite study. However, we believe the study should document the noise levels that exist under current operating altitudes and flight patterns. Only after the status quo is defined can an informed judgment be made on whether flight patterns or altitudes should be changed.

Current FAA Program Deficiencies

After involvement with the Grand Canyon working group, AOPA realized that general aviation is not a significant part of the noise problem. For instance, in the FAA count of operations at Grand Canyon Municipal Airport (which differentiates between air carrier, air taxi, military and general aviation), general aviation comprises less than 12 percent of the total, or 11,336 out of 89,282 operations. On an operations basis, it is the for-profit commercial operators flying larger aircraft that contribute most to the level of aircraft-generated noise.

As proposed, the current FAA SFAR for the Grand Canyon National Park would: (1) establish a Special Flight Rules Area from the surface to 9,000 feet AMSL (2,000 above ground level) in the area of the Grand Canyon; (2) prohibit flights below 2,000 feet by general aviation aircraft unless specifically authorized by the local FAA Flight Standards District Office; and (3) establish certain terrain avoidance and communications requirements for commercial tour flights in the special area.

We believe that current FAA proposals unfairly penalize general aviation non-commercial operations by restricting access, imposing aircraft performance penalties and increasing the cost associated with overflights. In contrast, the proposals place no economic burden on the "for-profit" commercial operators who represent the majority of flights, operate at generally low altitudes and are therefore the source of the most noise.

The Special Flight Rules Area (SFAR) would be charted, and the airspace would be restricted to commercial Part 135 operators' receiving authorization from the FAA Las Vegas Flight Standards District Office or operations by a bona fide search and rescue mission. In its discussion, FAA states that the propsosal would permit continuation of the air tour industry essentially without change from present procedures while also stating that general aviation requests for flights through the area below 9,000 feet AMSL would normally be denied. This low-altitude provision for commercial operations is given in spite of recent accidents by air tour operators.

Unfortunately, concern for aircraft noise is not reflected in the FAA SFAR itself since the regulation will not reduce the noise impact to any substantial degree. This is because the SFAR will allow air tour operations (88 percent of all overflights) to continue unaltered and unabated. AOPA objects to proposed reasoning which places the interests of profit-seeking commercial operators over the interests of the general flying public. Basically, this SFAR is accommodating the procedures of the for-profit tour operators, under the assumption that these procedures are already safe, while eliminating all other flights from that airspace. There is no rationale to support this discrimination, and there are recent accidents involving tour operators which demonstrate the opposite.

Operational Implications of the "Temporary" SFAR

While the proposal unfairly penalizes the minority general aviation operations, there are several reasons to believe that the proposal will also erode air safety in the vicinity of the Canyon.

The new airspace will have the effect of compressing all general aviation overflights between 9,000 AMSL and a normal service ceiling of 12,000-14,000' AMSL. Typical general aviation aircraft will not be capable of flying above this altitude. The Grand Canyon Airport, at an elevation of 6,606 AMSL, often has high-density altitudes, sometimes as high as 12,000 feet. Typically general aviation aircraft performance is degraded between 12,000-14,000, feet and at times these conditions will deny the capability of overflight to substantial numbers of aircraft. These altitudes also introduce concerns for oxygen requirements. Identical concerns have been expressed in NTSB interviews of the Division Manager, Flight Standards, and the Quality Assurance Manager, Air Traffic Service of FAA's Western Pacific Region Headquarters. To cite precisely from the NTSB Docket No. SA-490, Exhibit No. 13-A, Air Space Management Group Chairman's Factual Report, "They acknowledged that implementaton of a '2000 feet above the rim' altitude restriction...would compact traffic, introduce performance concerns and oxygen problems, and dramatically impact safety."

AOPA Proposals

We believe FAA should quickly and effectively eliminate its concern over less than effective voluntary tour operator procedures and routes by requiring and enforcing mandatory operations specifications for all Part 135 air tour operators. In addition, FAA should eliminate FAR Section 135.1(b)(2) with respect to Grand Canyon operators, thus eliminating a special regulatory exemption that permits Part 91 air tour operators from conducting nonstop sightseeing flights that begin and end at the same airport and are conducted within 25 miles of the airport. These passenger-carrying operations by operators who do not conform with the operations specification requirements as Part 135 operators must not be continued in the Canyon area, given its density of tour operations.

FAA's concern over inadequate general aviation pilot knowledge of Canyon procedures and conditions has never been documented. To quote the NPRM, "Overall, the safety record in the vicinity of the canyon compares favorably with the general accident rates for general aviation and air taxi operators." The point can be made that many transient general aviation pilots are more experienced and more familiar with their own aircraft than many air tour pilots. In fact, since 1983 two tragic accidents involving three commercial tour operators have occurred resulting in 35 fatalities (the Piper PA-31-35 on August 17, 1983 and the midair collision on June 18, 1986).

In spite of this, AOPA has proposed that government charts and aviation publications can be greatly enhanced to inform general aviation pilots of all pertinent commercial air tour route information so they may voluntarily avoid the airspace commercial operators are in by selecting routes and altitudes that are not in conflict.

In summary, the proposed SFAR goes beyond reason and ignores accident facts by penalizing general aviation and ignoring simpler yet more effective remedies, such as mandatory charted flight tracks and altitudes for tour operators and increased education for all pilots.

For these reasons, AOPA is convinced that FAA's proposed temporary measures are ill-advised and do not address the real problems caused by numerous for-profit tour operations. Contrary to FAA's belief that a segregation of general aviation and Part 135 commercial operators is required for safety, we believe that the current FAA proposal will decrease overall safety in national park areas.

Specific Recommendations

While the most recent tragic midair collision over a national park technically occurred between a Part 135 and a commercial-exempt Part 91-operated aircraft, they both were actually for-profit tour operators. FAA should address the safety issue by eliminating Part 91 commercial operators from the Canyon as we have proposed. This initiative would be supported by the majority of tour operators and the Helicopter Association International.

If there is a genuine need to establish minimum altitudes, they must be for all operations over identified noise-sensitive areas. Any such restrictions should apply to all aircraft and not to a certain segment of aviation.

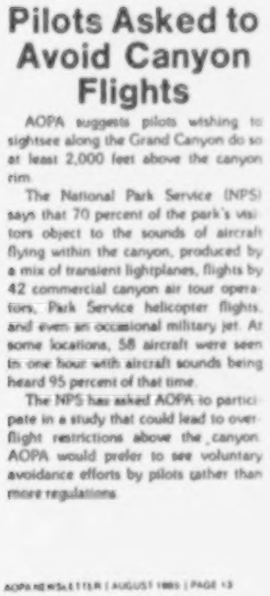
The boundaries of any Specially Designated Flight Area need to cover only the small volume of airspace flown by the majority of aircraft. For example, an attempt to include all of the 275-mile long Canyon or the National Park itself would be excessive and result in many general aviation flight deviations due to weather conditions of low ceiling over the Canyon. This area would be within 30 miles of the Grand Canyon Airport and would represent approximately 20 percent of the airspace over the entire Canyon.

AOPA believes commercial and non-commercial flights over the Canyon and national parks can be conducted safely. The key to safety is publishing and making available the procedures, flight tracks, altitudes and frequencies for all pilots to use. This includes wide dissemination of AC 91-36C by the FAA.

A comprehensive scientific study is needed to properly determine the most noise-sensitive areas. We can suggest two areas that would seem to be the least affected by overflight: a) populated rim-level overlook areas; and b) areas identified by the NPS as experiencing less than 5,000 user nights.

In conclusion, AOPA appreciates the intent of S. 451. The Interagency Agreement provides for cooperative study by federal agencies of any specific park system units. It is our view that this Agreement should be maintained and that any further action must await the results of a National Park Service's study as called for in the Bill.

Mr. Chairman, we are dedicated to helping resolve problems with aircraft noise where they exist. AOPA looks forward to working with the Committee on this issue.



Pilots Asked to Avoid Canyon Flights

AOPA suggests pilots wishing to sightsee along the Grand Canyon do so at least 2,000 feet above the canyon rim.

The National Park Service (NPS) says that 70 percent of the park's visitors object to the sounds of aircraft flying within the canyon, produced by a mix of transient lightplanes, flights by 42 commercial canyon air tour operators, Park Service helicopter flights, and even an occasional military jet. At some locations, 58 aircraft were seen in one hour with aircraft sounds being heard 95 percent of that time.

The NPS has asked AOPA to participate in a study that could lead to overflight restrictions above the canyon. AOPA would prefer to see voluntary avoidance efforts by pilots rather than more regulations.

AOPA NEWSLETTER | AUGUST 1985 | PAGE 13

Attachment 1

PARK ETIQUETTE

Compliance with voluntary altitude restrictions over federal parklands will help avoid further airspace regulations.

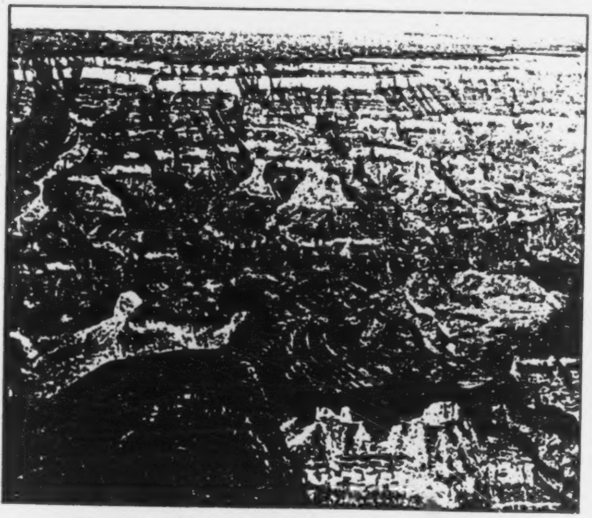
BY MARK TWOMBLY

If the Grand Canyon is a magnificent spectacle when viewed from the rim of one of the sheer canyon walls, it is even more breathtaking when seen from overhead. Since 1919, when a U.S. Army Air Service de Havilland made the first flight over the canyon, pilots have known that the spectrum of colors on the rocky cliffs, the twisting path of the Colorado River and the finger canyons trailing off the main gorge are best seen from an aircraft. Soon, however, it may become more difficult to get an aerial view of Grand Canyon National Park. Concern about aircraft noise may lead to airspace restrictions over the park, restrictions that could set a precedent for the regulation of aircraft over other scenic natural areas.

Special voluntary flight rules already exist for airspace over federally administered waters and lands such as the Grand Canyon. FAA Advisory Circular 91-36C urges pilots to maintain a minimum altitude of 2,000 feet agl over noise-sensitive areas. The advisory circular includes as noise-sensitive areas outdoor assemblies, churches, schools, hospitals, nursing homes and residential areas officially designated as noise sensitive, as well as lands and waters administered by the National Park Service, U.S. Fish and Wildlife Service and U.S. Forest Service. The advisory circular defines the surface of a national park as either the highest terrain within 2,000 feet laterally of the route of flight or the upper-most rim of a canyon or valley.

A voluntary 3,000-foot-agl altitude restriction is in effect over the Sespe and Sisquoc condor sanctuaries north and east of Santa Barbara, California. Condors, the largest flying birds in the Western Hemisphere and an endangered species, nest and soar in and around the sanctuaries.

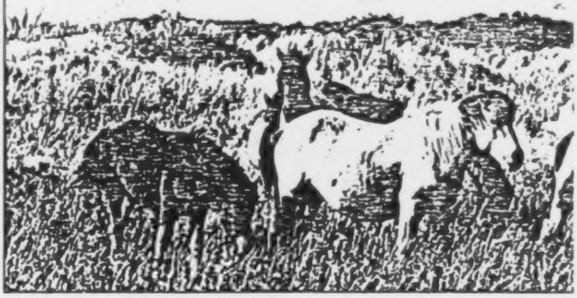
The only exception to voluntary altitude restrictions over federal parklands is at the Boundary Waters Canoe Wilderness Area, a 1.1-million-acre preserve that is part of the Superior National Forest in northeast Minnesota. President Harry S Truman signed an executive order in 1949 that established an airspace reservation—in effect, a prohibited area—above the Boundary Waters preserve from the surface to 4,000



It is possible to abide by a voluntary 2,000-foot above-ground altitude restriction and still enjoy a spectacular pilot's-eye view of Grand Canyon National Park.

Attachment 2

PARK ETIQUETTE



Overflying federal parklands at reasonable altitudes ensures that wildlife such as the ponies on North Carolina's Assateague Island National Seashore are not disturbed by noise.

feet msl, or about 2,500 feet above the ground. The executive order eliminated seaplane traffic that was proliferating in the wilderness area, which is now closed to all motorized vehicles.

Many pilots may not be aware of the voluntary overflight restrictions. Federally administered natural areas, known as special conservation areas, are not always depicted on aeronautical charts, and flight rules associated with the areas are haphazardly explained.

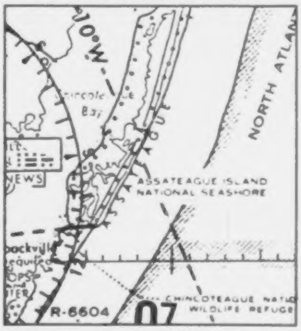
The boundaries of special conservation areas—which include parks, monuments, seashores, lakeshores, recreation areas and scenic riverways administered by the National Park Service; U.S. Fish and Wildlife Service big game refuges, game ranges, wildlife ranges and national wildlife refuges; and wilderness and primitive areas administered by the U.S. Forest Service—are depicted on National Ocean Service (NOS) sectional and terminal control area (TCA) charts by a string of blue dots ringed with a solid blue line. However, special conservation areas are not shown on NOS world aeronautical charts.

A pilot unfamiliar with the meaning of the dotted/solid line symbology may find little explanatory information in the legend printed on sectional and TCA charts. Some—but not all—charts contain explanations of special conservation area symbology and applicable flight rules, but there is no standard location on the chart where the information can be found. For example, on the Albuquerque sectional, the explanation is printed in the white border along the bottom of the south side of the chart. It appears above the listing of control tower frequencies on the Las Vegas sectional, but the information does not appear at all on the Los Angeles TCA chart, even though there are several special conservation areas depicted on it.

In addition to voluntary altitude restrictions over federal park land, there are landing and minimum safe altitude regulations to observe. Federal regulations make it illegal to land an aircraft on lands or waters in federally protected areas except in an emergency, when on official, approved government business, or at landing areas designated by special regulations. There are several public-use airports located within national parks. Four of them are in North Carolina: First Flight Airport near Kitty Hawk, which is part of the Wright Brothers National Memorial; Billy Mitchell and Ocracoke Island airports in the Cape Hatteras National Seashore; and Portsmouth Island Airport at the northern tip of Cape Lookout National Seashore. Although Portsmouth airport is open to the public, the North Carolina Department of Transportation recommends that pilots avoid using the 1,300-foot-long sand strip. Jackson Hole Airport in Jackson Hole, Wyoming, is the only commercial airport located within a national park.

Some landing strips located in U.S. Forest Service wilderness areas and forest preserves are open to public use, but most are unimproved, unattended turf strips with hazardous approaches. Information about runway conditions, restrictions, facilities and obstructions at many landing sites in federal parklands may be found in *AOPA's Airports USA*, available for $24.95 from AOPA, 421 Aviation Way, Frederick, Maryland 21701. Many lakes, rivers and other bodies of water in national parks and U.S. Forest Service areas are open to seaplane traffic. A state-by-state listing of approved seaplane landing areas is contained in the *1985 Seaplane Pilots Association Seaplane Landing Directory*, published by the Seaplane Pilots Association (SPA), which is administered by AOPA. Copies of the directory are available ($6 for SPA members, $15 for nonmembers) from SPA at AOPA headquarters. AOPA directories should be used as supplements to official government publications such as the *Airport/Facility Directory*, the *Airman's Information Manual*, notices to airmen and aeronautical charts.

The unsuspecting seaplane, helicopter or bush pilot who alights in a federally administered park area that is off-limits to aircraft may be greeted by an enforcement agent writing out a citation that could cost the pilot a lot of money or a certificate action. Law enforcement officials can even confiscate aircraft.


10°W
Bay
NEWS
NORTH ATLAN
ASSATEAGUE ISLAND NATIONAL SEASHORE
CHINCOTEAGUE NATIO WILDLIFE REFUGE
R-6604
07

Federal Aviation Regulation 91.79 requires a pilot to fly at least 1,000 feet above and 2,000 feet laterally of congested areas, and no closer than 500 feet to any person, vessel, vehicle or structure in sparsely populated areas or over open water. There are no minimum altitude restrictions for helicopters as long as there is no hazard to people or property on the surface. The pilot of any aircraft must always fly high enough to be able to make an emergency landing without undue hazard to people or property on the surface.

FAR 91.79 addresses safety concerns while Advisory Circular 91-36C is concerned with aircraft noise, which can be

NATIONAL PARK SERVICE

a contentious issue in the wild as well as at airports crowded by residential and commercial development. National parks, forests and other federal conservation areas are established to preserve and protect wildlife and scenic lands and waters. The solitude and natural quiet that exists in wilderness areas are a part of the unspoiled environment that is meant to be protected. Noise generated by low-flying aircraft can offend people visiting federal parks and scare wildlife. Vibrations, especially from helicopter blades, can cause physical damage to fragile geologic formations.

In late 1980, the National Park Service proposed that the FAA establish a restricted area over most of Grand Teton National Park in northwest Wyoming. According to the park service proposal, no aircraft would be allowed to fly below 3,000 feet agl over noise sensitive areas of the park except in an emergency, on official government business or during search-and-rescue missions. The restricted airspace proposal was part of a noise abatement plan for the Jackson Hole Airport, which is located within the boundaries of the Grand Teton National Park. AOPA objected to several provisions of the park service plan, including the restricted airspace proposal, and it was never enacted.

Fifteen years ago, a study commissioned by the Environmental Protection Agency (EPA) found that noise from helicopters and airplanes, including jets flying at medium and high altitudes, could be heard almost anywhere in the Grand Canyon National Park at almost any time. The report speculated that the most remarkable feature of a visit to the Grand Canyon is experiencing its "unique, all-encompassing quiet. . . .It surely seems valid today that this ubiquitous aircraft noise is clearly degrading the canyon experience for most people." A series of studies that followed the EPA report reached the same conclusion: Aircraft are the major cause of noise pollution in the Grand Canyon.

No one knows how many aircraft fly over or within the canyon each year, but most of the traffic is from the more than 40 commercial tour companies based at Grand Canyon National Park Airport and helipads near the airport, and operators from the Las Vegas area. It is estimated that 80 to 90 percent of the aircraft operations recorded at Grand Canyon airport are commercial sightseeing aircraft that serve 10 percent of the visitors to the canyon. The 1986 forecast calls for 95,000 operations and more than 400,000 sightseeing passengers.

Noncommercial general aviation aircraft account for only five to 10 percent of traffic at the airport, according to the FAA. Some transient aircraft overfly the canyon without landing at the airport, but it is clear that private, general aviation aircraft are not the major source of aircraft noise. The park service logs about 600 flight hours annually in the canyon in helicopters chartered from local operators. There also is a significant amount of sightseeing military aircraft and training traffic along two military training routes that cross the canyon. Commercial air carriers are another source of aircraft noise in the canyon, even though jet transports cross at very high altitudes.

Aircraft management is the number-one resource management issue at Grand Canyon National Park, according to the park service. Informal meetings were held in 1985 between representatives of the park service, environmental groups, canyon tour operators, military services and the FAA to discuss the issue. AOPA was represented at those sessions by William S. Hunter, AOPA 549481, an active member who lives in Phoenix, Arizona. Hunter also spoke on behalf of AOPA at one of the four public meetings the park service held last October on the problem of aircraft noise in the canyon, and possible remedies.

AOPA has argued for continuation of voluntary flight restrictions over the canyon. Pilots currently are asked to maintain at least 9,000 feet msl over the canyon to avoid the many commercial tour aircraft flying through the canyon. An information sheet available to pilots at Grand Canyon Airport recommends that all pilots overflying the canyon monitor 122.75 MHz, the frequency on which commercial tour operators transmit position reports. Pilots also are warned of high density altitude conditions at the airport and hazardous canyon wind conditions that can produce strong wind shears. AOPA is concerned that imposing mandatory minimum altitudes over Grand Canyon National Park would open the door to mandatory airspace restrictions at other federally administered conservation areas.

This spring, the park service plans to issue a report recommending measures to reduce aircraft noise in the Grand Canyon. Among the recommendations likely to be made are an improvement in the methods used to educate pilots about the aircraft noise problem in the canyon and more active park service involvement in detecting and reporting violations of Federal Aviation Regulations, particularly altitude restrictions. In addition, the park service likely will curtail its use of chartered helicopters, and all but emergency aircraft may be barred from flying in the inner gorge (within 500 feet of the Colorado River).

More far-reaching restrictions are under consideration. The park service could recommend that the FAA enact altitude restrictions. Curfews could be imposed during certain daylight hours, or flight-free airspace could be designated. Maximum noise limits could be established. The park service is even considering a recommendation that all aircraft be banned from flying over and in the canyon, with the possible exception of emergency aircraft. There will be an opportunity for the public to comment on the park service recommendations before any action is taken.

The Grand Canyon may be unique among national parks and other special conservation areas because of the volume of air traffic, but the fact that airspace restrictions are being considered there may be a harbinger of things to come at other scenic natural areas. Noise issues will continue to affect general aviation at airports and in the wilderness. The best way to prevent voluntary restrictions from becoming mandatory regulations is to abide by the voluntary restraints in the first place. In the case of national parks, wildlife refuges and other lands and waters outlined in dotted and solid blue lines on charts, that means no landings and a minimum crossing altitude of 2,000 feet agl. ☐

GRAND CANYON
AIRLINES

POST OFFICE BOX 3038 • NATIONAL PARK AIRPORT • GRAND CANYON, ARIZONA 86023

Grand Canyon, AZ
(602) 638-2407

Cont U.S., Ex AZ
(800) 528-2413

Arizona Only
(800) 528-2469

COMMENTS BY
JOHN R. SEIBOLD
PRESIDENT AND CHAIRMAN OF THE BOARD
OF
GRAND CANYON AIRLINES, INC.

PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE OF THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

ON
S.471

LEGISLATION CONCERNING
OVERFLIGHTS OF NATIONAL PARKS

MAY 7, 1987
WASHINGTON, D.C.

Grand Canyon Airlines supports S471 because we believe it is necessary to assure that the National Park Service and Federal Aviation Administration work together to develop an Aircraft Management Plan which will result in the highest level of safety while creating a minimum of aircraft disturbances to other park users.

Grand Canyon Airlines concurs with the comments made by Alan Stephen of Scenic Airlines. However, we wish to further emphasize our mutual disappointment that the legislation does not clearly acknowledge the many contributions that the aerial sightseeing industry has made to the Grand Canyon National Park and to millions of its visitors over the past 60 years. The following summary highlights these contributions:

1. Air tours provide a unique way for people of all ages, disabilities and time constraints to explore the Grand Canyon in comfort and safety (approximately 400,000 each year).

2. Air tours alone contribute over $25 million a year to offset the U.S. balance-of-trade deficit from their overseas sales.

3. Air tours don´t cost the taxpayer one cent. They are totally self-supporting, paid for entirely by the users.

4. Air tours require no park rangers to clean up after them or to administer them.

5. Air tours require no in-canyon facilities such as trails, latrines, backcountry ranger stations, campgrounds, etc.

6. Air tours have become the favored way for large numbers of visitors to explore Grand Canyon. Aerial sightseeing causes no environmental damage.

7. Without aerial tours it´s likely that canyon visitor demands would increase in all areas of the park, including the backcountry. Aerial visits are short and do not affect any inner-canyon facilities.

8. Air tours provide a means to satisfy many visitors´ expectations in a few hours. The canyon is over 200 miles long and most appropriate for exploration by air.

Grand Canyon Airlines, like Scenic, has embarked on a parallel course to both minimize aircraft sound thru equipment selection, aircraft modification and special operating techniques and to maintain the highest levels of operational safety. Our joint efforts have resulted in a significant reduction of aircraft sound at Grand Canyon. We are strong supporters of FAA efforts to regulate the Canyon´s airspace and believe SFAR 50 will have a positive effect on air safety as well as providing the means to constructively reduce aircraft sound.

Al Stephen has attempted to describe in detail the voluntary progress made by Scenic Airlines and Grand Canyon Airlines to promote a safer and more quiet operating environment for the Grand Canyon National Park. Grand Canyon Airlines and Scenic work together, operate the same equipment and share the same technology. Grand Canyon Airlines supports S471. I would be pleased to reply in writing to any questions you may have.

Respectfully,

John R. Seibold
President, Chairman
GRAND CANYON AIRLINES

VALLEY OF THE SUN
GRAY PANTHER NETWORK

AGE AND YOUTH IN ACTION

October 29, 1985

The Grand Canyon National Park.
P. O. Box 129
Grand Canyon, Arizona 96023.

Attn: The Superintendent.

Dear Sir:

Being unable to attend the hearing at the Board of Supervisors, I am taking this opportunity to express my real concern about airplanes and helicopters flying into the Grand Canyon.

I am now 72 years old and have been visiting the canyon off and on for most of my life. When I was nearly 65 years old I walked down into the Canyon with a group of people at Havisupi and spent a couple of days camping there. And two times since my husband and I have floated down the Colorado for eight days through the Canyon. The most recent trip was this last June.

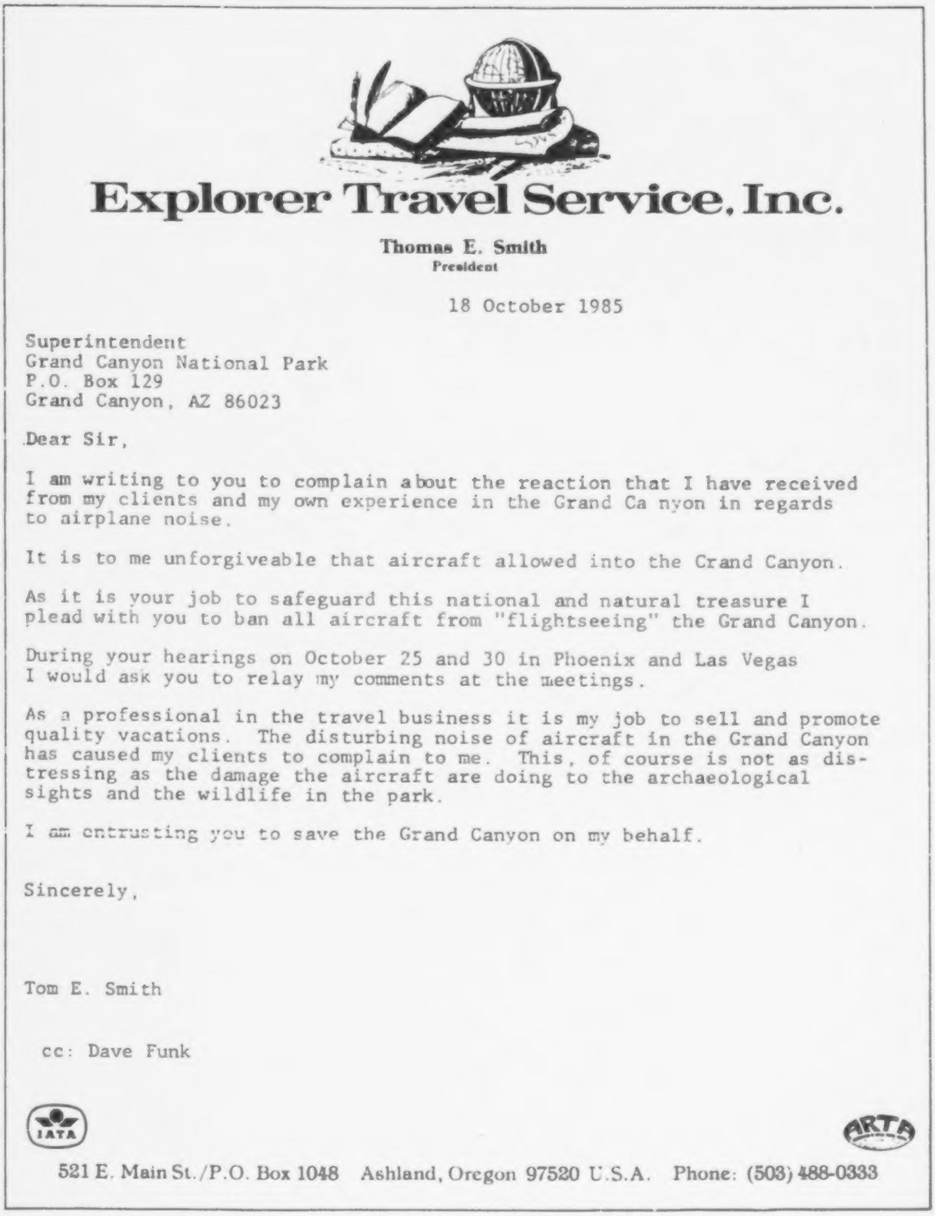
Those of us who go into the Canyon are lovers of the solitude and the wild life we experience. The most disturbing thing that happens is to see and hear a noisy plane vibrating through the canyon, shaking and destroying the ancient habitats left by early settlers, and frightening the beautiful wild life we are privileged to observe.

As an older person and active member of the Gray Panthers, we would urge you to stop allowing planes and helicopters to fly into the Grand Canyon.

Sincerely,

Lorain E. Kadish
3130 N. 37th St.
Phoenix, Arizona 85018 957 7579

P.O. Box ~~23687~~ 24345 • ~~Maryvale~~ Tempe, Arizona ~~85033~~ 85282 • 841 0750 • 967 1870 • 990 4433



Explorer Travel Service, Inc.

Thomas E. Smith
President

18 October 1985

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

Dear Sir,

I am writing to you to complain about the reaction that I have received from my clients and my own experience in the Grand Canyon in regards to airplane noise.

It is to me unforgiveable that aircraft allowed into the Crand Canyon.

As it is your job to safeguard this national and natural treasure I plead with you to ban all aircraft from "flightseeing" the Grand Canyon.

During your hearings on October 25 and 30 in Phoenix and Las Vegas I would ask you to relay my comments at the meetings.

As a professional in the travel business it is my job to sell and promote quality vacations. The disturbing noise of aircraft in the Grand Canyon has caused my clients to complain to me. This, of course is not as distressing as the damage the aircraft are doing to the archaeological sights and the wildlife in the park.

I am entrusting you to save the Grand Canyon on my behalf.

Sincerely,

Tom E. Smith

cc: Dave Funk

IATA ARTA

521 E. Main St./P.O. Box 1048 Ashland, Oregon 97520 U.S.A. Phone: (503) 488-0333

AOPA
AIRCRAFT OWNERS & PILOTS ASSOCIATION
421 Aviation Way, Frederick Municipal Airport, Frederick, MD 21701, Telephone (301) 695-2000, Telex 89-3445

May 6, 1987

Honorable Malcolm Wallop
Senate Energy and Natural Resources
  Committee
Subcommittee on Public Lands, National
  Parks and Forests
Senate Office Building
Washington, DC 20510

Dear Senator Wallop:

We appreciate this opportunity to voice the interest of the 260,000 pilot members of the Aircraft Owners and Pilots Association regarding H.R. 921, a bill to require the Secretary of Interior to conduct a study to determine the apropriate minimum altitude for aircraft flying over National Park System units.

General aviation pilots are very much aware of our obligation to minimize the noise impact of air transportation. This is even more evident in those areas set aside for the preservation of natural resources and national parks. We accept this responsibility and are actively working with the Federal Aviation Administration and aviation groups to solve noise problems while at the same time ensuring air safety.

We agree that the aircraft noise situation needs to be studied at certain national parks. We do not believe, however, that the National Park Service or the Secretary of Interior should make decisions on the use or designation of airspace. That authority and responsibility must remain exclusively with the Federal Aviation Administration, if air safety is to be maintained in this country.

We agree that the National Park Service must be a participant in the utilization of the airspace over park lands, but this agency simply does not have the technical or aviation resources to make airspace use decisions. The Federal Aviation Administration cannot be preempted from airspace decisions without drastic consequences to air safety.

The Aircraft Owners and Pilots Association has been actively involved in this issue for several years. We want to seek solutions to the problem. We believe that the study requested in this legislation will be a first step. However, AOPA also believes that the lead agency on airspace and airspace use designation _must_ remain the Federal Aviation Administration.

Sincerely,

John L. Baker

John L. Baker
President

Cable Address: AOPA Frederick, MD. Member: International Council of Aircraft Owner and Pilot Associations.

QUIET CANYON PROPOSAL

In 1975, Congress required Grand Canyon National Park to take steps against aircraft to protect the "natural quiet and experience of the park." No action has been taken, while operations at the Tusayan airport (just outside the park) have nearly quintupled. The situation is clearly intolerable. We therefore propose the following measures:

1. Establish a Special Use Airspace (restricted area) in and over the canyon from the surface to 18,000 feet above sea level (the ceiling of low-altitude airspace). See accompanying map.

2. Within the Special Use Airspace, limit air traffic to emergency and administrative flights specifically authorized by the park service.

3. Request the FAA not to grant permission to commercial jetliners to detour from their established courses in order to fly over the Canyon. Request FAA to adjust jetroutes slightly so that they do not pass over the park. (Since both the canyon and major jetroutes over it are oriented east-west, this would have little effect on intercity traffic. In some cases, routes could even be shortened).

Details

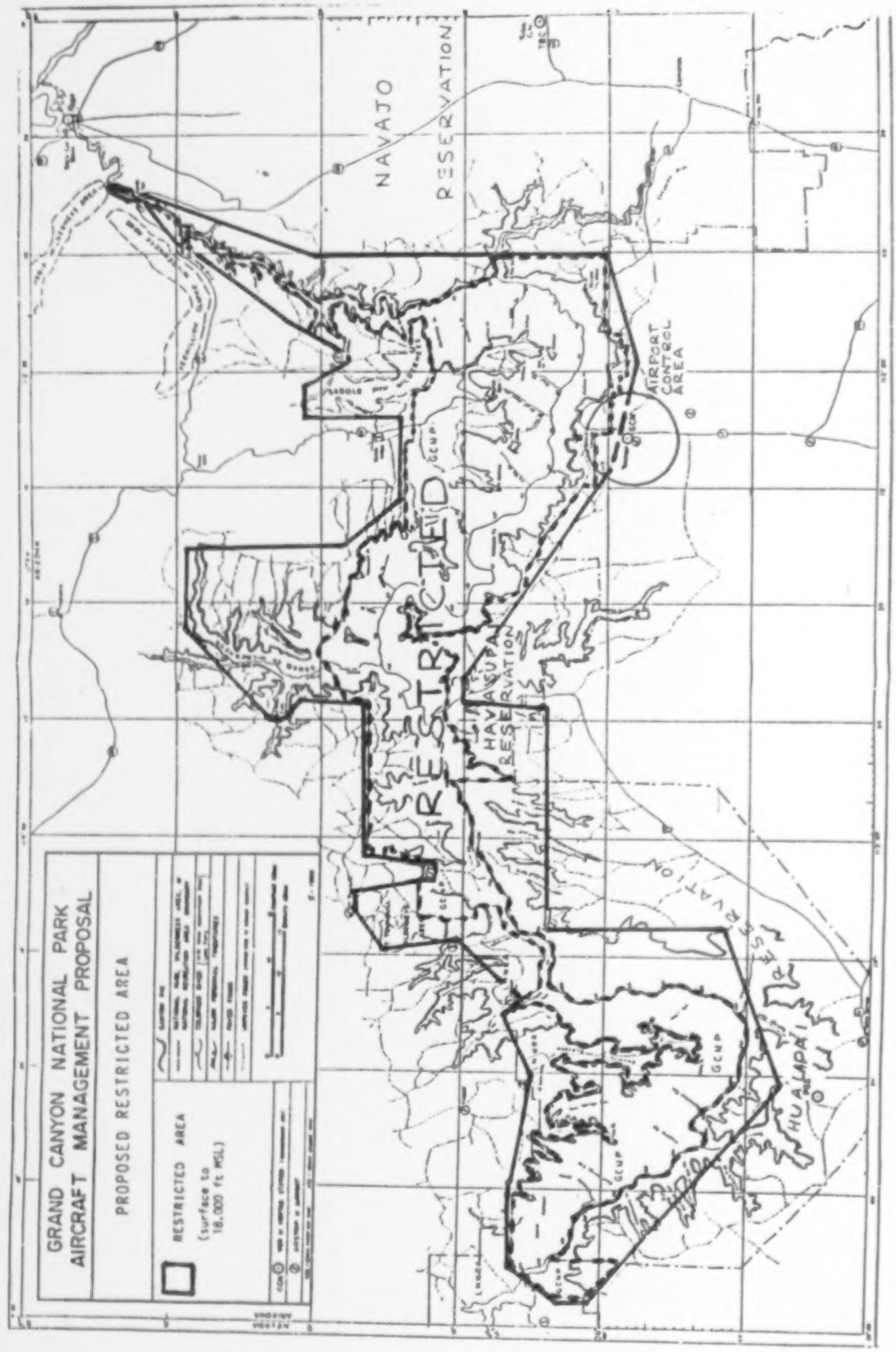
- The boundaries of the restricted area have been carefully drawn to protect the natural quiet and experience of the park while minimizing disruption of legitimate through traffic.

- All airports and primitive airstrips in and around the Canyon have been excluded from the restricted area, such as those used to reach mines and ranches or to take out river passengers.

- Special use airspaces now exist over tens of thousands of square miles of the West, and are understood and respected by all pilots. Their use to protect environmental values has been well established in Minnesota's Boundary Waters Canoe Area and the Farallon Islands National Marine Sanctuary in California.

- The Grand Canyon restricted area would be considerably smaller than most special use airspaces in the West, and because it is not near any major cities, it would have very little impact on legitimate air traffic.

- A special use airspace is the only realistic, fair, and enforceable solution which would apply equally to all classes of aircraft and allow visitors to enjoy the park as Congress intended, free from the incessant sight and sound of machines.


GRAND CANYON NATIONAL PARK
AIRCRAFT MANAGEMENT PROPOSAL
PROPOSED RESTRICTED AREA
RESTRICTED AREA
(surface to 18,000 ft MSL)
NAVAJO RESERVATION
HAVASUPAI RESERVATION
HUALAPAI RESERVATION
RESTRICTED
AIRPORT CONTROL AREA
GCNP
SADDLE MTN
TBC
ARIZONA
NEVADA

1052 Apple Way
Flagstaff, Arizona 86001

June 10, 1985

Park Superintendent
Grand Canyon National Park
Grand Canyon, Arizona 86023

Dear Sir:

This letter is for the purpose of registering a formal complaint with regard to aircraft noise in the back-country of Grand Canyon National Park. I request that this letter be filed as part of the public record on this important issue.

I spent the days of May 24 through 28, 1985 on a solo back-country hike in the Grand Canyon. During that time I kept a journal of my activities and thoughts. I was disturbed numerous times each day by the sound of aircraft. An excerpt of my May 26 journal entry should serve to illustrate the violence that aircraft noise perpetrates upon the Grand Canyon, which is perhaps the holiest of our world's natural shrines.

> As I write this, I sit at the edge of a precipice at the north end of Utah Flat. Looking below me I see a glimpse of Phantom Creek, and the bluffs and slopes I climbed to get here. It was a challenge for me to come up here, and I have a feeling of accomplishment, but I'm glad I left my pack at my streamside camp.
>
> [illegible] is directly to the west, and [illegible] Temple, [illegible] is higher still. Sturdevant Point, Buddha Cloister, and Buddha Temple are to the north. Now to hike across Utah Flat and take a look to the south. . . . Here on the south side I have a great view of the River (how I would like to boat it!). I see the S. Kaibab Trail dropping off at the Tipoff and winding down into the Inner Gorge. I am at about the same elevation as the Tipôff. The silence is broken only by the distant roar of the River, the whine of cicadas, and the irregular gusting of the breeze. Across the river and up, the south rim is imposing in its massive grandeur.
>
> Now the buzz of "scenic canyon flights" fills the air. It does not belong here. I must register a complaint with the park superintendent.

[illegible] on a value judgement.

It is a judgement based on aesthetics and on ethics. I hope that you can see the truth of this judgement, and I strongly urge you to use your influence to support the idea of no non-emergency flights in or over the Grand Canyon.

Sincerely,

Bruce R. Gordon

Bruce R. Gordon

October 9, 1985

Grand Canyon National Park
P.O. Box 1229
Grand Canyon, AZ 86023

RE: Flights in and through the Grand Canyon

Good Day:

I urge the National Park Service to ban tourist flights by airplane and helicopters below the rim of the Grand Canyon and to ban all such flights lower than 2000 feet above the rim.

I visit Grand Canyon Park several times each year for camping, hiking, backcountry backpacking, photography and other purposes. This year my family and I have camped at both North and South Rims on three occassions. I have hiked from rim-to-river-and back to the rim in one day, and plan at least one more trip. As a frequent user of this and other National Parks, I request that the Park Service consider the impact of frequent tourist flights on my rights, those of my family, and the majority of Park users.

One reason most people come to National Parks is to get away from the noise and distraction of everyday life. Most people who visit the Grand Canyon are enthralled by its beauty and dramatic natural environment. In National Parks, and especially the Grand Canyon, people expect and have the right to let the natural environment overwhelm the senses. One of the most impressive things about the Canyon can be its quiet -- allowing visitors to feel a sense of union with the natural environment around them, without distraction. From this we can get not only a better understanding of the remarkeable world we live in but a sense as well of our own place in this world. The buzzing sounds of airplanes, the chopping sound of helicopters, and the visual distraction of airplane and helicopters take away from our efforts to observe this natural world. These intrusions on the natural quiet of the Grand Canyon violate the rights of people who have taken the time to see the Grand Canyon up-close.

I have been coming to the Grand Canyon since 1971. The increase in flights through the Canyon has dramatically increased since then. An occassional interruption then has given way now to a constant racket of noise and visual distractions which are inconsistent with the solitude to which visitors to the Park are entitled.

Again, I urge the Park Service to ban flights below the rim and lower than 2000 feet above the rim. I would be glad to provide any additional information you might desire.

Sincerely,

Michael P. O'Connell

Michael P. O'Connell
P.O. Box 127
Kykotsmovi, AZ 86039

cc: Sharon Galbreath
Rt. 4, Box 886
Flagstaff, AZ 86001

Senator Dennis DeConcini
Senate Office Building
Washington, D.C. 20510

Senator Barry Goldwater
Senate Office Building
Washington, D.C. 20510

Representative Morris Udall
House Office Building
Washington, D.C. 20515

Representative Eldon Rudd
House Office Building
Washington, D.C. 20515

Governor Bruce Babbitt
State Capitol
1700 W. Washington
Phoenix, AZ 85007

536 East Manhatton Drive
Tempe, Arizona 85282
October 21, 1985

Superintendent
Grand Canyon National Park
P.O.Box 129
Grand Canyon, Arizona 86023

Dear Sir,

I have a few experiences related to aircraft in the Grand Canyon that I would like to tell you about. And I hope this will provide a few good reasons why all aircraft should be banned from the Grand Canyon and the airspace above the Park.

My last hike in the Canyon was down the Nankoweap trail during the long weekend of October 11 through October 14, 1985. At 5:05 PM Saturday October 12, 1985 I was at the mouth of Nankoweap Creek on the Colorado River when I heard an airplane. It was flying about 200 feet above me coming from the South (near the cliff dwellings) and heading North up the Colorado River. When it went out of sight up the Colorado it was about 100 feet above the water. This was a single engine fixed wing aircraft. The color was white with red trim. I couldn't see the ID numbers. The Backcountry people have zoned this area as Primitive. We were expecting to enjoy a primitive camping experience but instead we were buzzed by an airplane.

In October of 1984 during the 13th and 16th we hiked the North Bass Trail. From very early in the morming to late afternoon we saw and heard airplanes flying up and down the White Creek drainage (North and South). It wasn't until the end of the trip that I found out why there was so much air trafic in this area. We spent some time near the old cabin in the Muav Saddle just below Swamp Point. The airplanes would fly over Muav Saddle just above tree tops and were probably taking a short cut over to, or from, Thunder River. The noise and sight of the airplanes took a great deal of pleasure away from our wilderness experience.

On Sunday October 6, 1985 I was at Phantom Ranch when a helicopter landed with some supplies and picked up several people who I think are Park Rangers. I don't expect to have a true wilderness experience at Phantom Ranch but it is a nice, pleasant, and quiet place to visit. It seems like these people could spend the three hours to hike out of the Canyon. Baggage should be shipped in and out on the pack mules. You give many of the first time Canyon hikers and vistors from around the world the impression that aircraft are part of this Grand Canyon. If aircraft are OK then maybe all of those other rules must be crazy rules. Why not build some nice fires with all of that drift wood down by the river? And why not bring your pistol to shoot up some signs or even a deer? The Park Service should be better than the rest of us. Please set a good example.

So much for my complaints. You need to make some rules and stick to them.

Here are some rules to consider:

1. All aircraft must adjust their flight patterns so that no (not any) noise can be heard below the rim in any part of the Grand Canyon.
2. Declare the airspace one mile above the Canyon Rim as part of the Grand Canyon Park.
3. No rescue aircraft are to fly into the Canyon unless it is a matter of life or death. If a hiker is weak and can't make it out, send some people in on foot with extra food and supplies. Get them back in shape and walk them out. I am sure a few people could use the rescue money. Three hundred dollars (cost of a helicopter rescue) could keep a small rescue team going for days. And if they can't walk out on their own, then send a boat down the river and float them out.

good luck and thanks
for reading my letter,

Jack Carlson

Jack Carlson

October 23, 1985

Superintedent
Grand Canyon National Park
P.O.Box 129
Grand Canyon, Arizina 86023

Dear Sir:

Please include my written remarks in the hearing record regarding overflights by aircraft in the Grand Canyon.

My feeling is that overflights should be strictly controlled or better yet eliminated completely. Authority for taking such action is given in the 1975 Park Enlargement Act. I submit the following reasons for eliminating overflights by aircraft:

1. In National Parks and Monuments, also National Forests, certain areas are set aside where no power-driven equipment or vehicles are permitted. In a few parks some persons have violated the spirit of the law while adhering to the strict legal details by landing passengers, freight and equipment from helicopters hovering but a few inches from the ground. Overflights by sight seeing craft are in the same category even though the height above the ground is greatly exaggerated.from my example.

The 1975 Park Enlargement Act can be amended to prohibit these presently legal acts which are in fact acts of trespassing. There are areas in the United States where Army and Federal regulations prohibit over flights by any aircraft.

2. My family and I enjoy our Parks and Forests and camp and hike frequently. The quiet and solitude are many times each day broken by helicopters and airplanes commercially and privately operated. Especially annoying are low flights zooming in close and the sonic boom caused by high flying and high speed aircraft.

3. The use of aircraft to facilitate sight seeing is easy, pleasant and not excessively expensive. My family has at times used this service but now we realize that for every passenger in an overflying aircraft a few persons, or in many cases, hundreds of persons on the groubd are annoyed by the noise from that paricular aircraft. For this reason we forgo using aircraft over Parks,Monuments and Wilderness areas.

4. Various resticions are made on use and occupation of our Public Lands. In fact within the Grand Canyon hikers and river runners must have permits and be registered. This is sometimes annoying but understadably necessary so that the largest number of people may have the greatest amount of enjoyment or use of these areas.

Aircraft are annoyances which have only recently become a problem in trespassing in restricted areas, and they have not as yet been subjected to restritions,

5. The Grand Canyon is am example of our natural sanctuaries which are becoming overused and abused. There are many problems which are under study and are being corrected. One of these problems is overflights by aircraft. In fact it has become one of extreme annoyance to visitors and management alike. We know that any attempt to reduce or eliminate overflights wil be resisted by commercial interests. We should and can correct the situation now before commercial air lines claim loss of heavey investments and employees experience loss of lucrative jobs.

We need to protect the natural beauty both within and above this great Park for the millions of visitors who come to it each year.

For the above reasons may I urge you to strictly ban all overflights of aircraft in the Grand Canyon.

Respectfully submitted,

Richard A. Coxhead
Richard A. Coxhead
4732 E. Adams Street
Tucson, Arizona 85712
(602)325-7106

November 10, 1985

Peggy Thomas
4510 E Flintwood
Flagstaff, AZ 86001
(602)526-9628

Richard Marks
Superintendent
Grand Canyon National Park
P.O.Box 129
Grand Canyon, AZ 86023

Dear Mr. Marks,

I am writing regarding the current issue over helicopter and airplane flights in and above the Grand Canyon. I understand that those in favor of the flights are saying that they are providing a service to handicapped people who would otherwise be unable to see the Grand Canyon.

I would like to point out that when I (a quadriplegic) tried to arrange a flight to see the Grand Canyon, in February 1985, through Papillon Helicopters Ltd., they were quite reluctant to take me because of my disability. The people at Papillon stated that they had never taken a person in a wheelchair down in the Grand Canyon, and had never heard of anyone else doing it either. They finally agreed to take us (myself and a friend who is a paraplegic) down. But then they called us back later on the phone and said the weather was too bad for a safe flight. So we never did get to go.

There are other ways for disabled people to experience the beauty of the Grand Canyon. I recently went on a river trip on the San Juan with a group of people which included 4 other wheelchair bound people. It was a beautiful, QUIET, and peaceful way to experience the otherwise inaccessable scenery of the Mexican Hat area. I'm sure similar trips for disabled people can be, or have already been, taken on the Colorado River through the Grand Canyon.

So don't use the disabled as an excuse to continue these flights into the Canyon when the truth of the matter is that most able-bodied Arizonans (and Americans in general) are just too overweight, out of shape, or too plain lazy to HIKE down into the Grand Canyon, so they take the easy way out and pay someone to FLY their fat asses down.

I, as a disabled person, say put an end to the flights into the Grand Canyon.

Sincerely,

Peggy Thomas

Peggy Thomas
President,
Spinal Cord Society
Northern Arizona Chapter

Kathryn G. Gordon
1052 Apple Way
Flagstaff, AZ 86001

November 13, 1985

Park Superintendent
Grand Canyon National Park
Grand Canyon, AZ 86023

Dear Mr. Marks:

I'm writing to express my concern over the impact of aircraft on the natural quiet of the Grand Canyon. I've hiked in the canyon several times with my young son, my husband and with friends. Two years ago, before I was aware of an aircraft issue, I remember walking the trail to Dripping Springs and commenting to others about the frequency of the airplanes going by overhead. More recently, at the end of last month I hiked down the South Kaibab Trail. During our lunch stop of twenty minutes, four planes flew over; about one everyfive minutes. Certainly the noise impact is great and increasing.

Backpackers and river runners are limited by permits and specific numbers. Aircraft should be regulated as well. The numbers should be restricted and where they fly should be spelled out. All flights except those of an emergency nature should be prohibited within the canyon and up to an altitude well above the North Rim.

Sincerely,

Kathryn G. Gordon

Kathryn G. Gordon

Box 186
Meadview, Az. 86444
Oct. 27, 1985

I'm writing in regards to the issue of air traffic within the boundary of Grand Canyon National Park. I am FOR regulation of air operators within the canyon.....just as all other users of the park (commercial and non-commercial) are regulated.

I attended and spoke out at the public hearing held in Las Vegas, Nev. on Oct. 25. At this hearing I heard many many operators and politicians (nearly all of whom had economic reasons for being there) speak out against 'elitist hikers' who want to close off the canyon....and I heard them stress the benefits of seeing the canyon by air and go on to state that the 'distant drone' of an aircraft has no significant impact on the canyon or its visitors.

I am not an 'elitist hiker'. I am a 45 yr. old housewife who has two arthritic knees and a crushed disc in my lower back. It takes great effort for me to get into, and experience, the canyon....but I'm determined to explore as much of it as I can because it's an incredible place.

I live near the western end of the canyon so this is the part I visit most, usually by boat, and then I walk into areas accessible from the river. The western end of the canyon (lower granite gorge) is a 'thoroughfare' for all fixed wing and helicopter scenic flights out of Las Vegas, so all we visitors to the lower gorge see a 'constant string' of airplanes and copters coming down the canyon heading back to Las Vegas.

When air operators at the hearing kept talking about the "distant drone of aircraft" I had to exert a tremendous amount of self control just to keep myself from bursting out into hysterical laughter. I've never heard such a ludicrous statement in my entire life!

Air flights within the Grand Canyon are totally out-of-control. I have sat on the edge of an ancient roasting pit and had a scenic helicopter roar in and hover within 25' over me. Sand, gravel, and small pebbles flew everywhere.... that helicopter did more damage to that particular archaelogical site in 6 seconds than park visitors can possibly do in 6 years. I've sat on a ridge and watched a helicopter drop down and deliberately haze a herd of bighorn sheep (infant lambs included) along a ledge and hover over them....luckily none of the sheep injured themselves as they scattered...that time. I've seen people in a boat near Columbine Falls have their hats blown off by a helicopter hovering within 40' of their vessel. Each time I've been in a boat going up or down the river I've been appalled at the low level flights of the fixed wing scenic flights....

at least 75% of all the fixed wing aircraft I've seen coming down the river are flying below 200'.....indeed, almost 50% of them have been between 50-100' from the water.

"Distant drone"??????? A better description or analogy of the air activity and sounds, might be....that of standing in the middle of a battleground in Viet Nam!

Of course, the air operators come back with, 'but My planes don't do that!'

During the next 6 months I will personally (at my own expense) do my own photographic survey of air traffic in the lower granite gorge, with written details accompanying photos of each aircraft. Next time I'm bombarded by air operators and their denials, I will be much better prepared to respond..... and will have proof of my observations.

I do not feel, and have never felt, that 'all aircraft should be eliminated from the Grand Canyon'.....and I know very very few people or groups who take this stand. I do feel air flights below the rim of the canyon need to be regulated in number....and that there should be a reasonable limit on how low they can fly.

Sincerely,

Mary McBee

2799 Darleen Drive
Flagstaff, AZ 86001
Nov. 14, 1986

Richard Marks, Superintendant
Grand Canyon National Park

Dear Mr. Marks:

On every hike I have made into the Grand Canyon I have experienced some irritation from aircraft noise. The worst was helicopters at low altitude when I was hiking down in the Hermit Canyon. Ideally, I would like to see all aircraft, with the exception of emergencies, banned from the Canyon. The use of the Canyon is a priveledge which should be reserved for those willing to come to the Canyon on its own terms. Only in this way can we be open to the message of the ages - and silence is part of that message.

I realize that this ideal is impractical, but I feel that any decision with respect to the airspace over the Canyon must be based on an understanding as to what it is we are protecting here. The purpose of creating a National Park, as I understand it, was not to maximize public access but to preserve and protect the Canyon. What we are protecting is not just the rocks and wildlife, but also the silence because silence is part of the experience of the Grand Canyon. In my opinion, powered flight is not a meaningful way to experience the Canyon. Those who do not have time to hike, raft or ride a mule can supplement the view from the rim with the IMAX theater.

I realize, as I said, that aircraft are not likely to be banned. However, I feel it is essential that limits be placed on the number and duration of flights per day, that flights be only above the rim and along certain corridors, and that all military aircraft be kept out. Those using the airspace should be under restrictions as to the number of people and length of stay just as other users of the park now are. I would like to see helicopters banned altogether as they are the loudest and most intrusive. I wonder if anyone has ever considered using blimps? A blimp would provide a much quieter and more leisurely way of seeing the Canyon from the air and would probably be more economical.

Thank you.

Sincerely,
Andrew Gould
Andrew J. Gould

April 2, 1985

151 Ashbury Street
San Francisco, CA 94117

Mr. Dick Marks
Park Superintendent
Grand Canyon National Park
Grand Canyon, Arizona 86023

Re: Grand Canyon Overflights

Dear Mr. Marks:

This is to express my outrage at the continued despoilation of the Canyon's wilderness values caused by airplane overflights.

I have walked through most of the trailed sections of the park and some of the non-trailed sections, and I seem to never be able to escape the insidious, disgusting sounds and sights of airplanes and helicopters. They are particularly bad in the Esplanade area, the Central area, and the Clear Creek/Grand View area. (I'm told that in the Esplanade the pilots of one air tour service operating scheduled flights out of Las Vegas think its fun to chase the wild horses.) At one point last year I estimated that an overflight occurred every seven minutes!

It is utterly impossible to experience the majesty and sublimity of the Canyon when constantly interrupted by aircraft noise.

The Park Service apparently does not realize that the Park was created to preserve the grandest place on earth, not to serve as a cash register for greedy concessionaries. Those people have no right to destroy the wilderness experience of back country travelers. There is no compromise. All aircraft must be banned from any ouverflights at any time.

Thank you for your time and attention.

Sincerely,

Marc Francis

MF:gc

cc: Sharon Galbreath
Grand Canyon Chapter
Route 4, Box 886
Flagstaff, AZ 86001

April 13, 1987
Box 186
Meadview, Az. 86444

Dear Supt. Marks,

Please find enclosed copies (five prints, six slides) of low-flying aircraft in the lower granite gorge...these are for you to keep. I have the originals. Hopefully they will do some good?? These hardly even began to touch upon the problems caused by aircraft here in the 'remote' end of the Grand Canyon. Some days we are fortunate and there's only a dozen or so flights a day in the lower gorge. But many other days it's just a continual stream of aircraft....especially when conventions are being held in Las Vegas. On 'busy' days one can count from between 30-40 flights coming down the canyon and returning to Vegas. And then there was one particularly busy day when the clouds had settled in below the rim....and on that day the tour flight operators were flying both up AND down the canyon, greatly increasing danger to passengers even more. (The Lake Mead V.I.P. made a special trip to Meadview, from Pierce Ferry, on that date, to call GCNP and notify them of these actions).

I might also mention one other recent incident which took place on April 7 at 2:30 p.m. A hiker, Dave Gennley from Lake Mead City, Az., had just hiked out of Spencer Canyon (had proper Indian permit), had removed his pack, propped it up, and had himself stretched out on the sand bar to rest. Suddenly the brown and white helicopter (Action helicopter) came up river extremely low over the water, turned and hovered over Dave , blew sand and dirt all over him and in his face, blew his camera off the top of his backpack, and then landed very close to him. Dave Gensley is a very slow-to-anger, 72 yr. old man, who thereupon became quite angry and had a few choice words which he spoke to the pilot. The pilot had no response...but simply kept pouring champagne for the passengers. He was aware that the helicopters had Indian permission to land there, but was perturbed that the pilot hadn't appeared to even look around check for clearance on the spot before landing. (I also have a photo of this helicopter on that date but it isn't back from the lab yet).

We who live near the lower end of the Grand Canyon have also become somewhat concerned at the developments the Hualapai tribe is putting in at Quartermaster overlook, and their ensuing plans for development of the lower granitegorge. Whatever developments they build on their lands, is, of course, their own affair and their own right. But the airstrip up at the Bat Cave overlook (on the south rim) has been improved and plans are in order to allow helicopter flights from there down into the canyon, greatly increasing the number of tour flights into the lower canyon every day. This would surely effect, even more, the total environment in the lower gorge of GCNP.

When considering this problem, we thought of a possible compromise that might be presented to the Indians that might be more acceptable to all: If they want to run tour air flights into the canyon, have them take off from their airstrip at the Bat Cave overlook, circle back around (in a similar pattern to what they usually do now) and come down into the canyon via Spencer Canyon, land on the sand bar at Spencer (so their guests actually get 'into' Grand Canyon...if necessary)....then turn right around and fly out Spencer Canyon again, back up to the airstrip. This way if the Indian tribes want to run or lease out 'tours' of scenic flights into the canyon, they can do so, KEEPING the flights more or less over THEIR lands at all times and still not disturbing or effecting the lower granite gorge of the Grand Canyon Nat'l Park to any great extent...other than right there at the mouth of Spencer Canyon.

I realize the issue of Indian lands and Indian boundaries is a complex issue.....but perhaps this compromise would be acceptable to everyone?

Sincerely,

Mary McBee

DENNIS & ALYCE BROWNRIDGE
1521 W. St. Marys Road #280
Tucson, Arizona 85745
(602) 624-2589

April 29, 1987

Tom Williams
Public Lands Subcommittee
Senate Energy and Natural Resources Committee
U.S. Senate
Washington, DC 20510

RE: Aircraft Overflights Bill, S.451

Dear Mr. Williams:

We are deeply concerned about the aircraft overflights bill, S. 451, which your subcommittee will be considering this week. We have been studying this issue intensively for four years. Aircraft are by far the most pervasive problem in our natural preserves, with resource managers at more than 50 national park units reporting "significant overflight problems." Commercial aircraft rides in particular are the most clearcut example we can think of of the exploitation of our parks for private profit and the benefit of the few at the expense of the many, while degrading the very values the parks were established to protect.

Public hearings and editorials have shown very broad support for aircraft restriction, but it has become increasingly clear that the Park Service, Interior Department, and F.A.A. are unable or unwilling to seek a meaningful solution. Congress must give clear direction to the agencies or the situation will continue to deteriorate rapidly.

While we support S.451, we believe the current version may prove as ineffective as previous legislation on the subject (e.g., the 1975 Grand Canyon Enlargement Act, PL 93-620, §8).

We believe the only workable solution is to establish noise free, aircraft-free zones over substantial sections of the parks, similar to the large automobile-free zones, horse-free zones, camping-free zones, and so on which have long been used to protect these reservations. Aircraft restricted areas areas are common in the West and are understood and respected by pilots (see enclosed map). The mechanism for such "Special Use Airspaces" is well established in Federal Aviation Regulations. They are easy to enforce and, if carefully planned, need not have any significant effect on legitimate through traffic.

The current bill, as amended by the House Interior Committee in HR 921, calls for "flight free areas" at Grand Canyon but this has little meaning since it does not specify that the areas be noise-free. Both the Park Service and the FAA have already proposed small, cosmetic flight free areas at the Canyon, carefully gerrymandered between existing airtour routes, but none would be large enough or high enough to be free of aircraft noise or to have any real mitigating effect on the problem.

This loophole could be corrected by adding a sentence to Sec. 3(a)(1) such as the following:

"The plan shall contain provisions which shall ensure that a substantial majority of the park will be free of aircraft noise, except for those flights permitted under Sec. 2(d)."

S.451 also calls for "substantial restoration of natural quiet" at Grand Canyon. While "restoration of natural quiet" is excellent, the qualifier "substantial" is vague. Does the phrase mean that all of the park should be substantially quiet? (Impossible in developed areas). Or does it mean that substantial areas of the park should have natural quiet? (Impossible if aircraft are allowed at any altitude). And what does "substantial" mean? Ten percent? Fifty percent? Ninety percent? A similar qualifier in PL 93-620 ("significant adverse effect on the natural quiet and experience of the park") was long used as an excuse for inaction. Park officials claimed for years that the word "significant" could "only be defined politically," and they would therefore not concede that aircraft noise in the Grand Canyon was significant. We suspect that "substantial" will lead to endless litigation.

The basic assumption of the bill is that the problem can be corrected if aircraft just fly a little higher. Unfortunately this is not true, for several reasons:

(1) Careful experiments done by the Park Service last summer (summary attached) show that noise is not significantly reduced by increasing flight altitude. Even at 8,000 or 9,000 feet above the ground, small craft are still loud enough to compete with conversation (see graph).

(2) The minimum altitudes specified in the bill would have little or no effect since the great majority of aircraft that people are complaining about already fly above or close to these levels (see enclosed Grand Canyon cross-section).

(3) Such low-level restrictions are unenforceable since it's difficult for a ground observer to measure an aircraft's altitude or prove it was flying in violation. Existing minimum altitudes are routinely ignored by pilots.

We hope these problems can be corrected as the bill is marked up in the Subcommittee.

Thank you for your interest on this important issue.

Sincerely,

Dennis Brownridge
Alyce Brownridge
Dennis and Alyce Brownridge

Enclosures

Summary of

AIRCRAFT NOISE vs. ALTITUDE TEST

Conducted by National Park Service, Grand Canyon N.P., 1 August 1986

A single-engine Cessna 206 aircraft and a Bell 206 Jetranger helicopter, models widely used by commercial air tours, were flown at various altitudes over the Grand Canyon while decibel level measurements were made on the ground. Two high-precision Environmental Noise Analyzers (DA607P v.03) were set to measure the maximum A-weighted decibel level (dBA) as the aircraft passed over the site. For each altitude and each aircraft, two to four passes were made, flying both east-west and west-east over the test site. Results are plotted on the graph on reverse, averaged for the several passes and two sound meters.

The monitoring site was on the floor of the Canyon (Tonto Plateau) 3,000 feet below the rim and two miles west of Desert View near the Tanner Trail. This spot was chosen because it is not near any airtour routes which might interfere with the test. However, researchers noted heavy jetliner traffic, 12 jets passing overhead in an 80-minute period. Many of the jets flew very low (low enough to see windows and colors).

RESULTS

Aircraft noise was not reduced appreciably as flight altitude increased. The noise levels of the fixed-wing aircraft and helicopter did not differ significantly. At 2,000 feet above the observers aircraft noise averaged 63 dBA, which is loud enough to drown out normal conversation. At 9,000 feet above the observers (13,500 feet above sea level or 6,000 feet above the rim and approaching the operating limits of the aircraft), the noise of the test aircraft still registered 52 dBA, which is loud enough to compete with conversation. Test results were very close to those predicted by the Inverse Square Law (a 6 dB drop for each doubling of distance).

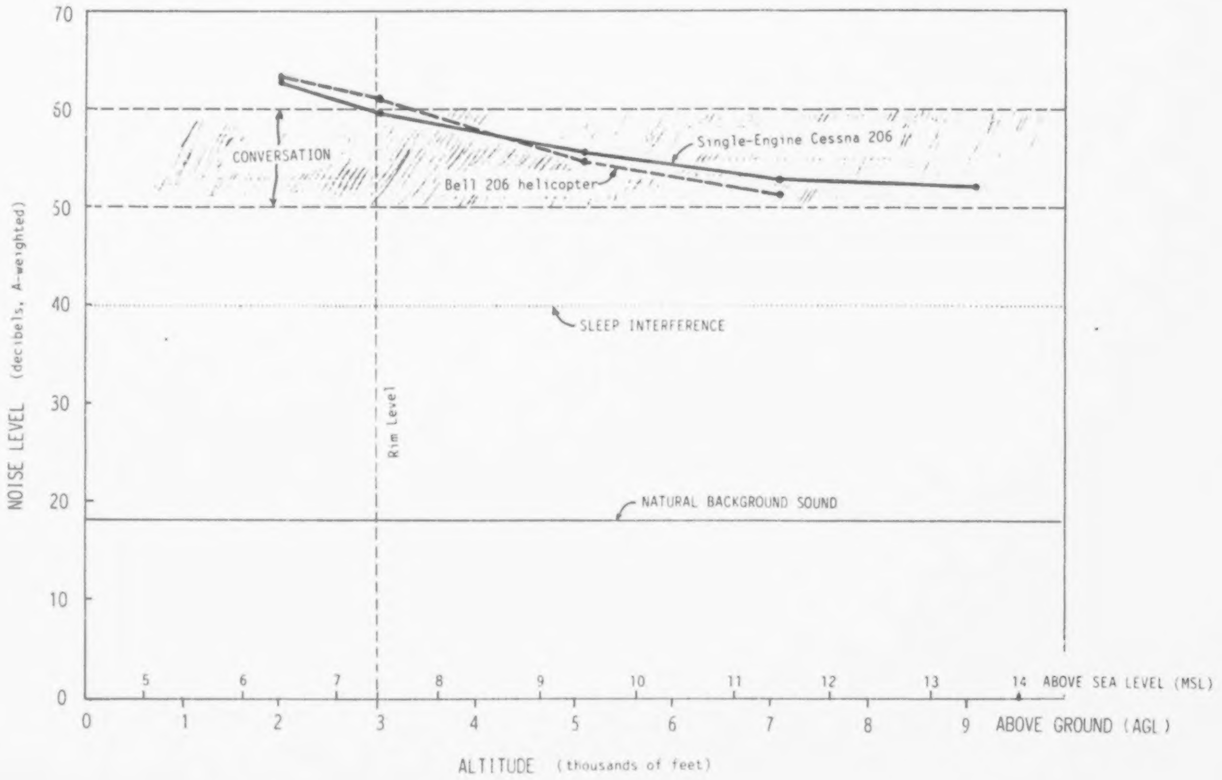
Noise levels dropped an average of 1 to 2 dBA for each thousand-foot increase. This is barely discernable to the human ear, and was often less than the difference between individual passes of the aircraft and less than the difference between readings from the two meters.

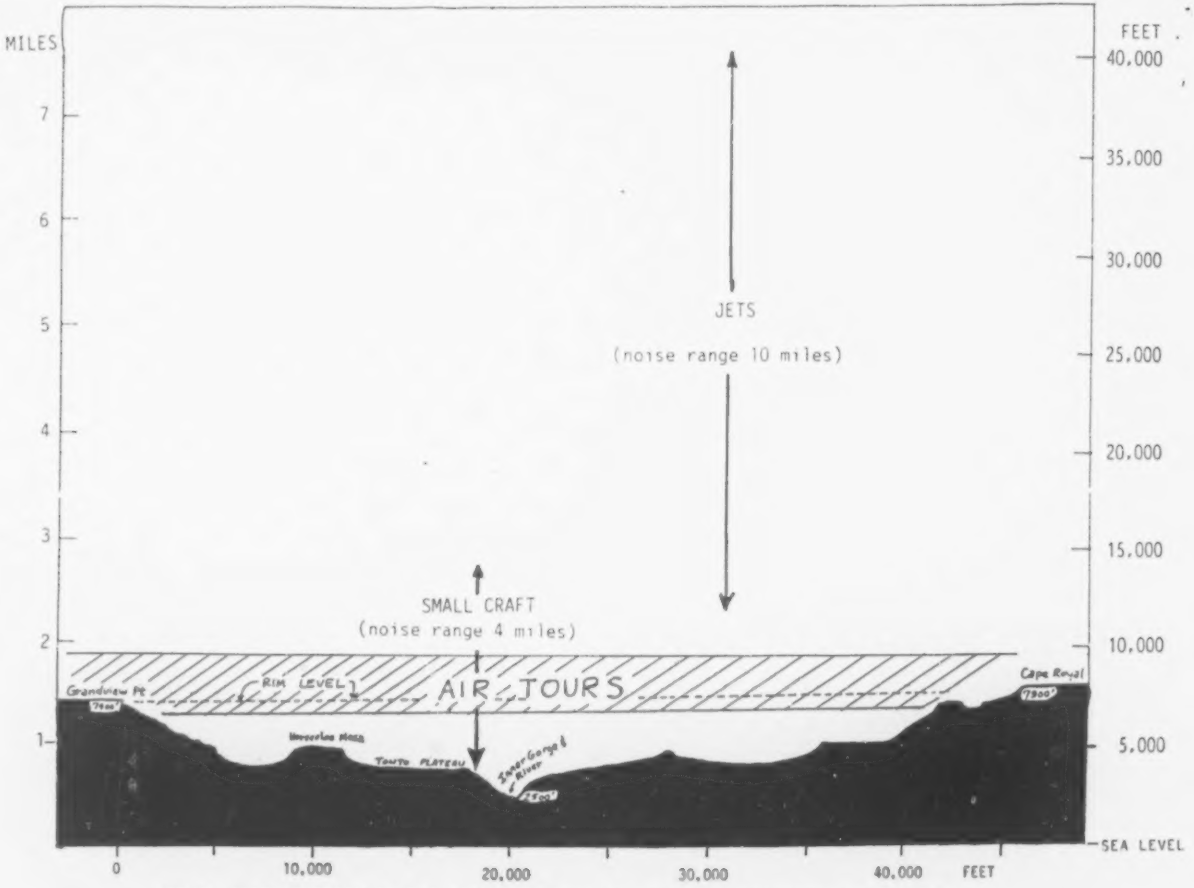
The natural background (ambient) sound level was 18 to 20 dBA, which is extremely quiet. (An anechoic sound chamber is about 10 dBA). The noise of the highest flying test aircraft (9,000 feet above the observers) would be perceived by humans as roughly 15 times louder than the ambient sound, or about 3 times louder than levels generally regarded as likely to interfere with sleep.

NOTE: Decibels are logarithmic, not linear. A difference of 10 dB represents a 10 times difference in sound energy and is perceived as roughly 2½ times different in "loudness." For example, 60 dB would sound about 6 times (2½ x 2½) louder than 40 dB, or 15 times (2½ x 2½ x 2½) louder than 30 dB.

AIRCRAFT NOISE vs. ALTITUDE

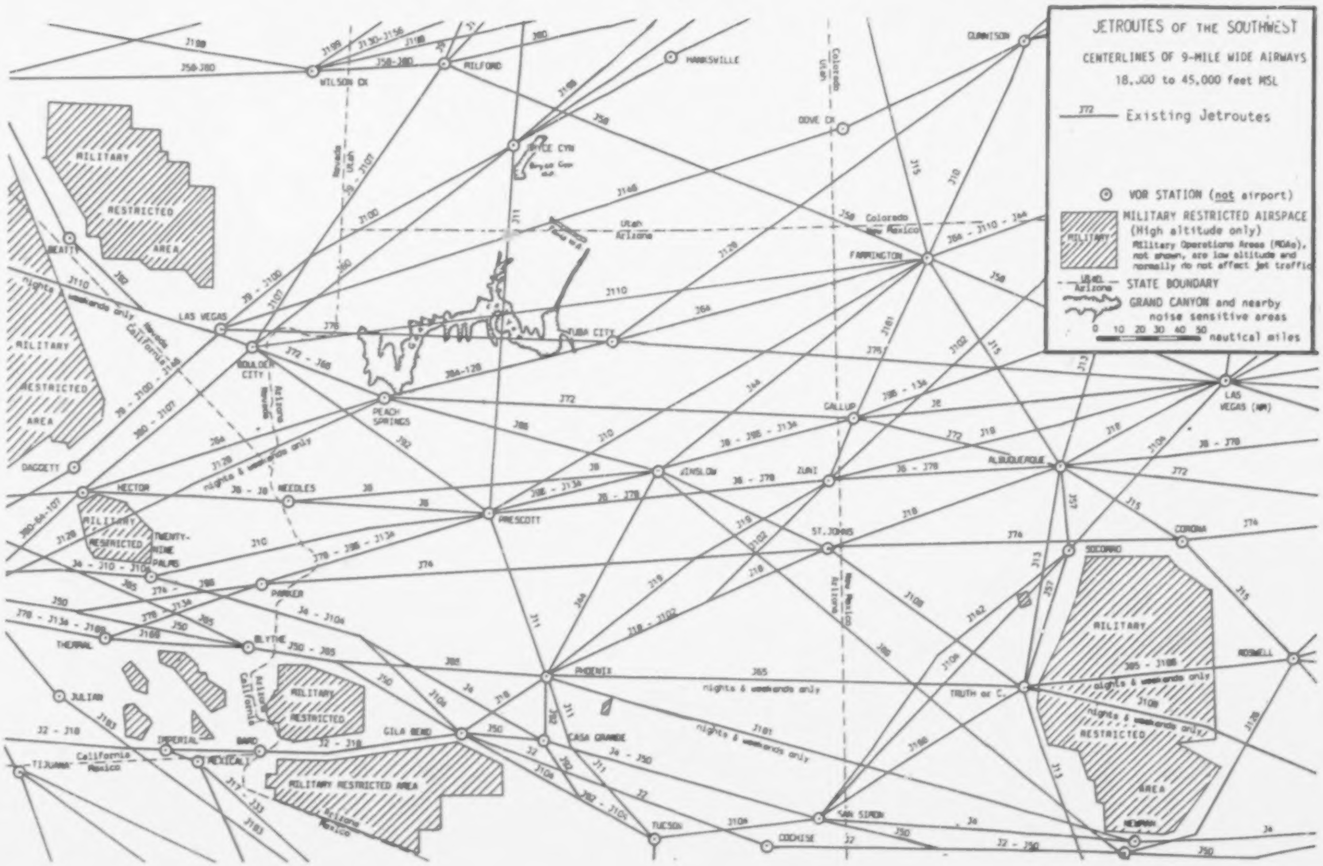
NATIONAL PARK SERVICE TEST, GRAND CANYON, AUGUST 1986



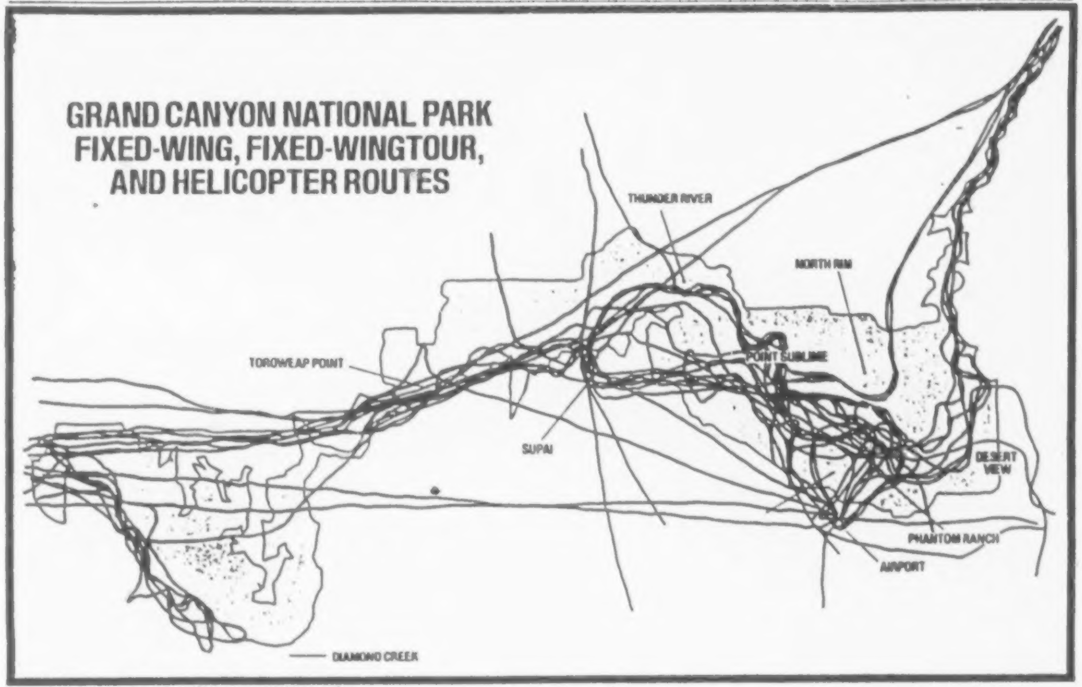


ACTUAL CROSS-SECTION OF THE GRAND CANYON (mile 80) WITH EXISTING AIR TRAFFIC

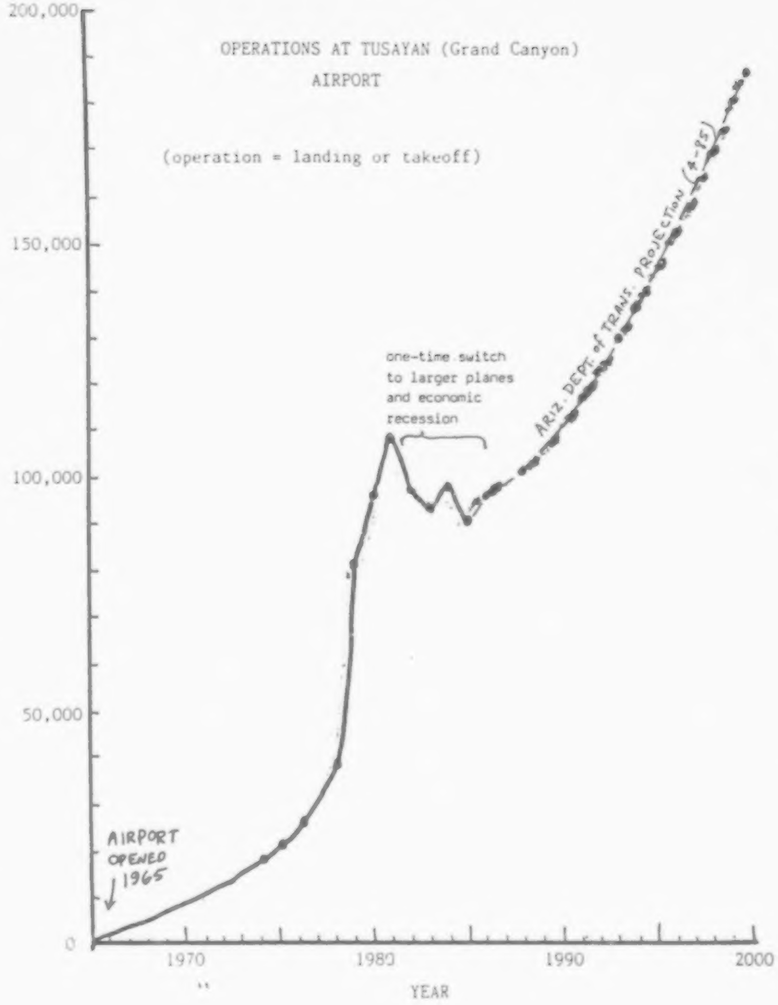
EXISTING RESTRICTED AREAS (Southwest U.S.).


JETROUTES OF THE SOUTHWEST
CENTERLINES OF 9-MILE WIDE AIRWAYS
18,000 to 45,000 feet MSL
J72 Existing Jetroutes
VOR STATION (not airport)
MILITARY RESTRICTED AIRSPACE (High altitude only)
Military Operations Areas (MOAs), not shown, are low altitude and normally do not affect jet traffic
STATE BOUNDARY
GRAND CANYON and nearby noise sensitive areas
0 10 20 30 40 50 nautical miles
WILSON CK
MILFORD
HANKSVILLE
DOVE CK
GUNNISON
BRYCE CYN
FARMINGTON
BEATTY
LAS VEGAS
BOULDER CITY
PEACH SPRINGS
TUBA CITY
GALLUP
LAS VEGAS (NM)
ALBUQUERQUE
DAGGETT
HECTOR
NEEDLES
WINSLOW
ZUNI
PRESCOTT
TWENTY-NINE PALMS
ST. JOHNS
SOCORRO
CORONA
PARKER
THERMAL
BLYTHE
PHOENIX
TRUTH or C.
ROSWELL
JULIAN
IMPERIAL
BARD
MEXICALI
TIJUANA
GILA BEND
CASA GRANDE
TUCSON
COCHISE
SAN SIMON
NEWMAN
MILITARY RESTRICTED AREA
MILITARY RESTRICTED
nights & weekends only
Nevada Utah
Utah Arizona
Colorado Utah
Colorado New Mexico
New Mexico Arizona
Arizona Nevada
Nevada California
Arizona California
California Mexico
Arizona Mexico

JUNE 25-JULY 1, 1986, NEW TIMES PAGE 29


GRAND CANYON NATIONAL PARK
FIXED-WING, FIXED-WINGTOUR,
AND HELICOPTER ROUTES
THUNDER RIVER
NORTH RIM
POINT SUBLIME
TOROWEAP POINT
SUPAI
DESERT VIEW
PHANTOM RANCH
AIRPORT
DIAMOND CREEK

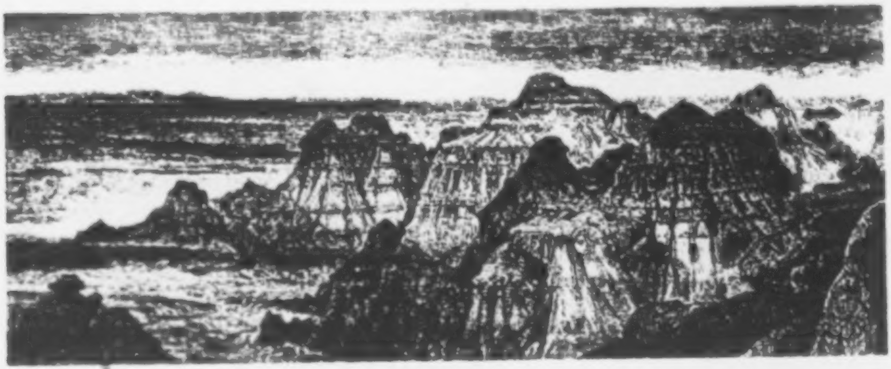
Current flight paths: "too many flights in too little space."


OPERATIONS AT TUSAYAN (Grand Canyon) AIRPORT
(operation = landing or takeoff)
200,000
150,000
100,000
50,000
0
1970
1980
1990
2000
YEAR
AIRPORT OPENED 1965
one-time switch to larger planes and economic recession
ARIZ. DEPT. of TRANS. PROJECTION (4-85)

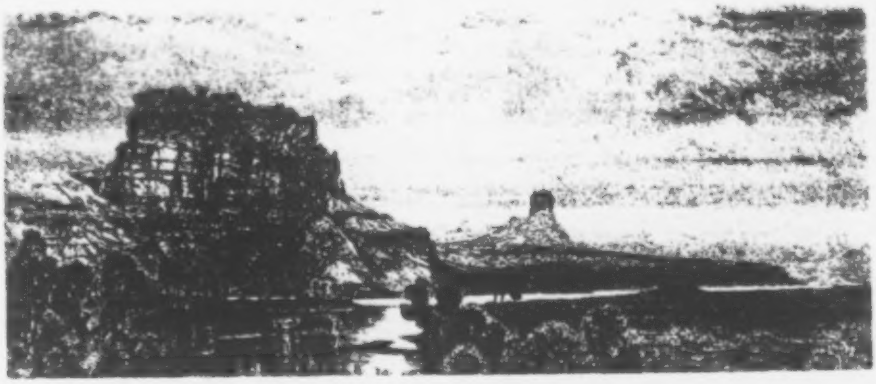
ESSAY

Covering the Land with Noise

by Dennis Brownridge



One feature of this ever-changing spectacle never changes—its eternal silence.
—*Zane Grey, Grand Canyon visitors register, 1906*



How long will it be before...there is no quiet anywhere, no escape from the rumble and the crash, the clank and the screech?
—*Joseph Wood Krutch, Grand Canyon, 1957.*

Last summer, my wife and I spent two months rambling leisurely around the West, seeking respite from the wearying pace and din of the city. Each night, we car-camped or sometimes backpack-camped—always alone, always for free, and usually with some glorious panorama of unspoiled mountain, forest, desert, or canyon. In the great public lands of the West, it is easy to escape people, cars, campgrounds, dirt-bikes, and the clutter of man-made landscapes. What is not easy to escape is the sight and especially the *sound* of aircraft.

In the magnificent wilderness of California's Sierra Nevada we kept count one day: 35 jetliners echoed overhead; 14 fighter jets roared by—sometimes three or four abreast (twice an F-16 screamed up the gorge below us, careening through the arêtes and matterhorns); 28 "flightseeing" planes flew by—one audible for nearly an hour as it wove among the peaks. On a day when we saw no one on the ground, aircraft shattered the solitude 77 times in seven hours.

Of all the things we seek in wilderness, natural silence has surely become the hardest to find. There are still thousands of square miles of America that *look* as they did centuries ago, but there seems to be no spot that *sounds* as it did even a generation ago.

Gordon Hempton, a Seattle acoustics expert who produces high-quality recordings of natural sounds, spent five years searching for a place unadulterated by man-made noise. He estimates that in Washington State there are now only about 20 areas where one can find pure, natural sound, uninterrupted for even 15 minutes. "My grandmother talks quite freely about the wonderful sounds of nature, because she had noise-free natural experiences in her life. But my son will never know them, except through my recordings," says Hempton sadly.

People have been complaining about the rising clamor in the cities since the industrial revolution began, but noise in the wildlands and countryside is a relatively recent phenomenon. It's crept up on us insidiously, often without our realizing it.

Protecting Our Upper Boundaries

"The long silence lies at the core of the wilderness experience," writes sociologist Ira Winn of California State University, "but in their headlong rush to 'do the parks' people have forgotten—or simply do not know—how to greet nature in quiet reverence."

Naturalist John Muir, the father of our national parks, wrote of the "silent, serene wilderness where the weary can gain a heart-bath in perfect peace." In Muir's day, railroads were the main source of noise outside cities and they were deliberately kept out of the national parks. When automobiles appeared they too were banned from the parks, though pressure from auto clubs and local merchants later forced a partial retreat. The Park Service may regret the change, for cars and the myriad problems they bring are the biggest headache and the main expense of managing the parks. Nevertheless, cars must stay on roads, and perhaps 90 percent of our park lands are well out of sight and sound of any landbound machines.

The intrusion of roads and motor vehicles into the parks and national forests spawned a second wilderness movement in the 1920s, led by Aldo Leopold and Bob Marshall, to "save from invasion that extremely minor fraction of outdoor America which yet remains free from mechanical sights and sounds and smells." That movement culminated in the 1964 Wilderness Act, the main function of which is to keep motors and mechanical vehicles—even bicycles—out of areas designated as Wilderness.

Yet no one foresaw the tremendous proliferation of aircraft, the noisiest and, in many ways, the most intrusive motor vehicles of all—able to go anywhere and audible miles away even when far out of sight. Aircraft had scarcely been invented when most of our natural preserves were established, so no one thought to define their upper boundaries.

In English common law, "he who owns the soil owns upward unto the heavens," but as so often happens, technology left the courts in a quandary. The landholder must have *some* rights to the airspace, said the Supreme Court, or he couldn't even erect a building. But "aircraft are part of the modern environment of life," they added, and we can't be having lawsuits every time a plane flies over. Yes, they agreed, aircraft are trespassing on your land and can be held liable if their flight is so loud, low, or frequent as to "directly interfere with the enjoyment and use of the land," but just how loud, low, or frequent, the court couldn't say.

As air travel grew, Congress declared the air a public highway and in 1958 created the Federal Aviation Administration (FAA), awarding it the chicken-

and-fox tasks of regulating *and* promoting air travel.

Perhaps caught up in the technological euphoria of those times, no one seems to have considered the impact that thousands of flying machines would have on the land and people below. Today, flying a plane or helicopter is the *only* thing you can do in a national park or wilderness area without limitations or restrictions of any kind.

The FAA, wearing its promotional hat, adamantly opposes restrictions of airspace (except those requested by the military) and believes it has exclusive jurisdiction over any aircraft not physically touching ground. Park Service lawyers disagree, citing the agency's authority to protect park resources, including solitude and silence. Whether to restrict low-level flights is a policy decision, they say, not a legal one.

The land-managing agencies have not pursued the issue aggressively, although there have been recent attempts (unsuccessful) to restrict the airspace over Grand Teton National Park and the BLM's Snake River Birds of Prey Area. At the request of the Fish and Wildlife Service and the National Park Service, the FAA does "advise" pilots to remain a modest 2,000 feet above the ground over designated natural areas. The equivalent of about three city blocks, 2,000 feet is hardly enough to have any mitigating effect on noise or visual intrusion. That limit was apparently chosen to minimize harassment of wildlife without inconveniencing pilots, who normally fly about that high anyway. Even so, the FAA's advisory is not binding and is widely ignored.

The Air Tour Bonanza

Yosemite Valley must be the most crowded piece of land in our entire park system. On a busy summer day 4,000 cars and 12,000 people jam into two or three square miles on the valley floor. Perched on the rim of the valley last summer, we could hear the shifting gears of tour buses and garbage trucks four thousand feet below.

But even in Yosemite it was easy to get away from people and auto traffic; it was impossible to escape the droning aircraft overhead. Lunching one day in Tenaya Canyon we heard 15 planes in 45 minutes. A procession of small planes buzzed up and down the valley, banking over El Capitan, Half Dome, and the various falls. Higher but just as loud was a parade of jetliners, resounding off the granite cliffs.

Commercial aircraft rides in parks and wilderness are a relatively new phenomenon which began to explode in the late 1970s. Operators with agents in dozens of countries have discovered they can circumvent park and wilderness laws with impunity as long as they don't touch earth. (They are not concessionaires and have no licenses or permits from the land-managing agencies). Charging $90 to $150 an hour per person, air tours are a lucrative enterprise and new companies are rushing to get in on the bonanza. The rides are marketed primarily to affluent foreign tourists who, environmentalists note, may not appreciate what national parks and wilderness areas are all about, having long since lost such natural places in their own countries.

In the Hawaiian parks helicopters have grown so irksome that residents are talking seriously about "getting their shotguns." In Alaska, choppers fly off cruise ships to hover over the glaciers and wildlife. In Glacier National Park, they are harassing critical grizzly bear populations. In Mesa Verde National Park, the Ute Mountain Indians have begun hawking helicopter rides over the park's cliff dwellings, soliciting customers on a section of park road that loops briefly into their reservation. All told, more than 50 units of the National Park System report significant aircraft problems of one kind or another.

Surprisingly perhaps, the most widespread problem is military aircraft, which many park and wilderness officials regard as their most serious aerial threat. Bombers, fighters, and helicopter gunships are orders of magnitude louder and faster than their civilian counterparts and often fly just yards off the ground. They not only have a devastating impact on anyone or anything underneath but also pose a serious safety hazard for other aircraft. There have been a number of recent near-misses between military craft and Park Service helicopters.

The military owns 25,000 square miles of the West outright (more than all the western parks and monuments combined), but these vast reservations are used primarily for live firing, bombing, and ground training. Most of the aerial training takes place over national parks, forests, wildlife refuges, and other public lands, allowing the military to avoid lawsuits from private landowners. However, most of the flights which anger park visitors and worry officials are

unauthorized joyrides, well outside or below any designated military operating areas or military training routes. Park officials say they've had no cooperation from the military in controlling these flights.

When environmentalists complained about the military aircraft which roar daily through the depths of the Grand Canyon, an Air Force officer told them that the planes must be "foreign nationals" since the canyon is a "no fly zone" for Air Force pilots. When National Park Service Director William Mott protested to the Pentagon about noisy park overflights, he said an Air Force general told him to "consider it the sound of freedom." Navy officials, responding to numerous complaints of violations by military aircraft in Sequoia National Park, said they were necessary to "combat worldwide terrorism." By that logic, it seems we must violate our own national treasures—the parks—in order to save them.

100,000 Flights Over the Grand Canyon

On our way to the Grand Canyon, we drove slowly through the ancient virgin forest of the Kaibab Plateau. Ponderosa pines two fathoms around and older than America lined the simple dirt road. Lupines carpeted the ground, filling the air with an Elysian perfume. Every now and then a buck loped across the meadows. We saw no one. When geologist Clarence Dutton followed our route a hundred years ago he marveled at how suddenly one came upon the canyon, almost without warning. Nowadays, you can tell you're getting close to the rim by the unmistakable drone of aircraft.

To Dutton, the view of the canyon from the end of our road was "the most sublime and awe-inspiring spectacle of the world," and so he named it—Point Sublime. It was not far off the point that 25 people died last June in the fiery collision of two tourist aircraft. As we watched the air traffic from that rim it was easy to imagine how the crash might have occurred. Every minute or two, in busy times, helicopters flew in to give their customers a six-second glimpse of some Indian ruins nearby. As they roared back for another load of tourists, they crossed the path of the fixed-wing tours coming down the main canyon.

Indeed, Grand Canyon National Park suffers the distinction of having the oldest and worst aircraft problem of any natural area. More than 100,000 tourist planes, helicopters, jets, and military aircraft a year fly in and over it—more traffic than many urban airports. In otherwise unspoiled spots, the racket sometimes continues for several hours without letup, the machines reverberating off the cliffs like so many flying chain-saws.

One lone entrepreneur started flying tourists in the canyon back in the 1930s (over the objections of Park Service Director Horace Albright), but aircraft didn't become a noticeable problem until the late 1960s when a large airport was built just outside the park. By 1971, an EPA study concluded that aircraft were "clearly degrading the canyon experience for most people."

The park's answer was a 1972 "Gentlemen's Agreement" with air tour operators which encouraged them to avoid certain heavily developed areas around the rim towns (about 5 percent of the park) and to concentrate their flights in the wilderness. Predictably, complaints from casual tourists fell, while the problem grew in the rest of the park. In 1975, Congress was alarmed and ordered the Park Service to formulate rules and regulations for aircraft whenever they were causing "a significant adverse impact on the natural quiet and experience of the park." But the Park Service took little or no action and in the next decade air traffic nearly quintupled.

Air tour operators and some park officials argue that flight restrictions would "deny public access" and "lock up" the parks. At the Grand Canyon, a 1985 media blitz asserted that aircraft were the "only way the elderly, handicapped, and very young could see the canyon" and that only "hikers" complained about aircraft. That unleashed a storm of protest from the handicapped and older citizens. The president of the local Spinal Cord Society, a quadriplegic, testified that she had been refused a helicopter tour of the canyon because of her disability but had no trouble getting on a raft trip. As for the elderly, an independent opinion pollster found that twice as many Arizona retirees favored a total ban on flights than did people in their 20s and 30s. Environmentalists pointed out that all of the Grand Canyon can be seen by automobile from overlooks spaced along its whole 277 mile length (one road leads all the way to the bottom), that easy float trips carry tourists through the heart of the canyon, and that every inch of the park is accessible on foot.

Perhaps embarrassed by all these revelations, aircraft supporters have changed their tack. Industry spokesmen now say that air tours are the only way that people in a hurry—"busy businessmen" and foreign visitors—can see the park. One executive says foreigners are "culturally handicapped" and can't get to the park any other way. Chamber of Commerce officials add that air tours are a "strong marketing tool," attracting many conventioneers to Las Vegas and Phoenix.

Obviously, there is a market for air tours, and many people enjoy them. The same could be said for aerial tramways, elevators, scenic railroads, and terraced hotels cascading into the canyon—all of which have been seriously proposed at one time or another, though none would have nearly so pervasive an impact as aircraft. But as Ed McKee, the park's longtime chief naturalist, once said: "Do you do something in a national park because people like it or want it? If so, then you ought to put up rollercoasters; a lot of people like them very much."

Moving Toward Public Action?

The Grand Canyon is the test case which will no doubt determine the fate of other preserves suffering aircraft problems. In early 1985, officials told me that they were hoping to avoid public involvement and to resolve the situation through private discussions with the air tour operators. That effort failed, and the issue has attracted nationwide media attention. At public hearings in 1985 and 1986, testimony urging a ban or severe restrictions on flights was almost unanimous, if one discounted speakers with a financial interest in the air tours.

In the spring of 1986 the park service released six aircraft management proposals, ranging from continued inaction to low-level and apparently nonbinding aircraft restrictions covering (in the peak season) about 11 percent of the park, mainly in developed areas already avoided by air tours.

Conservation groups were outraged. The Sierra Club and Wilderness Society filed suit while a coalition of six environmental groups released a detailed plan of their own, the "Quiet Canyon Proposal." In that plan, air tours could still fly through parts of the canyon, a large proportion of which lies outside the park. They could even land in the bottom of the canyon, as they do now, outside park boundaries. "Busy businessmen" and "culturally handicapped" foreign tourists could still visit Las Vegas and the Grand Canyon in the same afternoon. Legitimate administrative and emergency flights would continue.

In late 1986, Congress again got into the act. Showing impatience with both the Park Service and the FAA, the House of Representatives passed a bill in September 1986 which would require the Park Service to study the aircraft problem in some 10 parks and recommend a solution forthwith, which the FAA must accept unless there are clear safety concerns.

Just why the Park Service and other land-managing agencies have been so slow to act on the aircraft issue is something of a bewilderment. One answer, perhaps, is that park personnel spend little time these days in the hinterland of their parks, where they might become sensitive to the problem. When they do sally into the backcountry—you guessed it—it's often in a helicopter.

A Grand Canyon official, while acknowledging that aircraft are the "number one resource issue" at the park, says that parks must change to fit a changing market. They are trying, he says, to determine the threshold—the decibel volume and frequency of flights—that most visitors can tolerate without complaining. His office is filled with books on plants, rocks, wildlife—-physical things that can be counted, inventoried, entered in the data base—and things, by and large, that the Park Service protects with admirable care. But peace, quiet, and solitude are not values he's been trained to consider.

So, what are we to do? Perhaps it's futile to hope to preserve quiet and solitude in most of the country. The din will inevitably increase as long as air travel and population expand. But surely it is not unreasonable to set aside as reservoirs of natural silence and serenity that small fraction of the country we've already protected as sanctuaries—the national parks, monuments, wilderness areas, and wildlife refuges.

Unlike other vexing environmental problems—acid rain or the destruction of the ozone layer—noise pollution from aircraft is easy to solve, at least in parks and wilderness areas. Noise, as aircraft supporters love to point out, goes away when you stop making it. Damage is rarely permanent (although aircraft noise has knocked down Indian ruins and killed wildlife). Someone with the authority could solve the problem with the stroke of a pen. President Truman did that in 1949 by proclaiming Minnesota's Boundary Waters Canoe Area a prohibited airspace.

Americans cherish their parks and wilderness preserves. They expect those entrusted with their care to protect these treasures, and will support them in doing so. It's time for the Park Service to take leadership in that action.

Dennis Brownridge is a writer and geographer living in Tucson, Arizona who has traveled widely in the West.

ALEX J. SZECSÖDY
Acoustical Consultant
1923 E. Manhatton Drive
Tempe, Arizona 85282
Telephone: (602) 838-0886

May 9, 1987

Senator Dale Bumpers, Chairman
of the Public Lands subcommittee
United States Senate, S.D. #229
Washington, D.C., 20510

Dear senator Bumbers,

This letter is to address senate bill 451 currently under consideration relative to Aircraft Noise and Aircraft Tours at the Grand Canyon National Park, Arizona, U.S.A.

My technology skills are in the area of Acoustics. over the years I have related to Noise Controls relative to the Community environment.

ON June 8, 1987 I will be presenting a paper at the Institute of Noise Control Engineers, State College, Pennsylvania, Noise-Conference 1987. The paper under the session on Transportation Noise is titled "Aircraft Noise At the Grand Canyon National Park, Arizona, U.S.A." Following presentation I would be pleased to forward a copy.

I Personally made Noise measurements at Point sublime, Grand Canyon National Park on June 29, 1985. Intrusive noise from Aircraft raised the ambient sound level by 10 to 20 dB(D) scale. The Noise from Aircraft is sustained between subsequent Flights by the hard reflective surfaces of the canyon Walls.

Briefly to remove the intrusive sound of Aircraft would require an additional 5,000 to 10,000 Feet for a Flight corridor.

NATURAL AMBIENT CRITERIA

	reference	Elevation (Feet)	Additional Altitude Required (Feet)
South Rim	HoPi Point	7069.	+ 5,000. to 10,000.
	Isis Temple	7012.	
North Rim	Tiyo Point	7762	

Senator Bumpers you may find enjoyment and insight by talking with your Former Governor of Arizona, BRUCE BABBITT.

His text 'Grand Canyon, An Anthology', Northland Press, 1978 is a spirited study of The Grand Canyon.

Thank you for the opportunity to present my findings

Sincerely.

Alex J

May 21, 1987

2166 Broadway #11C
New York, NY 10024

Honorable Dale Bumpers
Chairman
Energy and Natural Resourse Subcommittee
on Public Lands
United States Senate
Washington, D.C. 20310

Dear Senator Bumpers:

Recently I worked for the Arizona office of Tourism, promoting tourism to the state and of course, the Grand Canyon.

The Grand Canyon of Arizona is a major tourism destination for U.S. Citizens and foreign visitors alike. Each year over 2 million tourists visit the Grand Canyon. Some 450,000 elect to take flights through this immense spectacle, many claim their 'below the rim' flight to be the highlight of their visit to the park, as well as, in many cases, their visit to the U.S.A.

According to USTTA statistics, the Grand Canyon National Park is ranked among the top most preferred destinations by international travelers. Because many tourists do not have much time to enjoy the canyon experience, they look forward to the flight-seeing tours available.

The legislation directs the National Parks Service to create an Aircraft management plan. This type of contract must be left in the capable hands of the F.A.A, or dangerous precedents will be established.

In summary, I oppose the passage of S451 and feel the House of Representatives was not acting in the best interest of Tourism or the public in passing HR921.

Sincerely,

Ida Jones
Director, Tourism Development

IJ/gp

Hugh C. Harris
5201 Duquesne Lane
Flagstaff, AZ. 86001
June 27, 1986

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ. 86023

Dear Sir:

I wish to urge the Park Service to invoke strong measures to remove airplanes from the vacinity of the Grand Canyon. Presently, the issue of safety is being raised as an argument to restrict air traffic in the canyon, but this issue is only a minor one of several relevant issues. I believe that the Grand Canyon Park (as well as any park) should be kept in a natural state as far as is practical. Clearly, if the natural state is to be protected, airplanes have no place in or near the canyon.

The principal argument in favor of flights over the canyon, that flights provide access for people otherwise unable to experience the canyon, has little merit. Wonderful views of the canyon are already available for everyone from the many viewpoints on both rims, and without a person leaving the comfort of his RV. Mule trips and raft trips allow most people to see the inner canyon, and the IMAX movie probably shows as much of the canyon as can be seen from a plane. Unfortunately, a tiny minority of handicapped people may not be able to travel in the canyon other than by plane, but their desire for access by plane is not an absolute right and should not take precedence over the protection of the park.

While access to the canyon is a legitimate concern, on this issue the Park Service should not compromise protection of the canyon's natural state. A flight over the canyon may be a thrilling experience well documented by many testimonials produced during this debate, but it cannot provide much real appreciation of the workings of nature within the park. Providing tourists with thrilling experiences in not a legitimate concern of the Park Service. Occasionally flights by the Park Service, or perhaps by other parties with special approval of the Park Service, for the purposes of emergency transportation, research projects, or the making of IMAX II should be allowed, but only when the use of planes cannot be avoided.

Most parks include inaccessible places or places that are difficult to reach. For the Grand Canyon also to remain wild and inaccessible would not be wrong. As the population and development continue to grow in Arizona, the rigid protection of parks with the beauty of the Grand Canyon will be more and more appreciated. Please consider the park first, and keep the airplanes away.

Sincerely,

Hugh C Harris

Hugh C. Harris

June 30, 1986

Mr. Dick Marks
Park Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dear Mr. Marks:

I wish I could write something totally different from the thousands of voices that have been raised over the issue with flights over the Canyon. However, many people have said and written things much better than I can. So I will just add my voice to the rest......

Please, let's keep the Canyon as free from noise as possible. I have visited the Canyon on many occasions and never felt the need to see if from an airplane or helicopter. I didn't go to the Grand Canyon for a ride in plane to be thrilled by the pilot's daring....I could get that kind of a thrill at an amusement park.

Anyone who feels they can't see or appreciate the Canyon from a view point in the park undoubtly won't appreciate it anymore soring above it in a plane.

Thank you for your time.

Sincerely,

Christa Eberly

Christa Eberly
6849 E. Grandview
Scottsdale, Arizona 85252

To: Superintendent, GCNP
From: Larry Coleman
16 Fair Oaks Drive
Little Rock, Arkansas 72204
Date: 1 July 1986
Re: Aircraft flights over GCNP

For each of the past two years I have backpacked in the Grand Canyon. This year (May) we took the Boucher Trail to Slate Canyon in order avoid the relatively large number of hikers further east. From the first flights in the morning to the last ones in the evening we were almost never out of earshot of the drone from some aircraft. I suppose that most people would agree that the sense of wilderness and the sounds of silence afforded by the Canyon are two of its most important benefits - in addition to its scenic splendor - so there should be really compelling reasons to justify letting aircraft flights cancel out these basic qualities of the Canyon. This seems to be the basic issue.

Perhaps hypocritically I recently took a ten-minute flight over the Canyon in my airplane to see how much different was the view compared to views from the rim. Of course it was different, but not very much different, and not obviously any better than from the rim. I justify the flight in that I can claim somewhat authoritatively that the view from the air is clearly not worth the harm done to those below. I would not do it again and would gladly give up that right. I find it ironic that sightseeing flights are asked not to fly over the Village or Rim Drive - which is like a busy city - but that it's OK to fly over those below who have gone there in order to get away from the crowd above. Something is backwards here.

It seems to me that all commercial sightseeing flights over the Park should be banned. To replace that experience and make it accessible to everyone and not just the moneyed, I recommend a really well-done movie(s) in an equally well-done theatre that can come close to recreating the effect of an actual flight; in some ways it can be superior since one can select times when the lighting, clouds, etc. are especially good.

I don't know what to suggest for those people that are just interested in going somewhere and need to go over the Canyon to get there, or those, like myself, who might be tempted to fly their own plane over the Canyon in order to do a little freelance sightseeing. It is a bit much to ask the first group to detour around the entire Park, and it is difficult to distinguish the second group from the first so one rule will have to suffice for both groups. Ideally, all such flights should have a minimum altitude when flying over the Canyon and the higher the better. The problem is that VFR pilots flying north from Flagstaff to their destination, e.g., might need to fly fairly low in order to avoid flying into clouds.

So a regulatory solution to this type of aircraft is difficult, but I believe the problem could be almost entirely eliminated by banning commercial sightseeing flights. And the longer they are allowed to continue, the more difficult it will become to dislodge them. Ten years ago visitors didn't even realize they were missing anything by not flying over the Canyon, and they really weren't. The only people who stand to benefit very much from continued flights are the sightseeing companies. I love flying and am heavily disposed toward commercial flying, but the price is just too great in this case.

Larry Coleman

July 3, 1986

Grand Canyon National Park
P.O. Box 129
Grand Canyon, Az. 86023

Re: Aircraft Noise

To Whom It May Concern:

I am writing to express my support for the restriction on air space to an altitude of 18,000 feet above the Grand Canyon. I read where a coalition of moderate environmental groups made this proposal early last month and although I initially wanted a total ban on all flights over the Canyon, I now believe this proposal would be a fair compromise.

My girlfriend and I visited the Canyon in May of this year and were very irritated by the aircraft noise. We vowed not to return until this problem was removed. As it was, we cut our stay short so we could vacation in a more tranquil place.

Thank you for taking the time to read my concern.

Sincerely,

James A. Palm

2924 E. 7th St.
Long Beach, Ca. 90804

JACOB SIGG
338 ORTEGA STREET
SAN FRANCISCSO, CALIFORNIA 94122

5 July 1986

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dear Sir/Mme:

During the 60s and 70s I paid several visits to the Grand Canyon. Its most imposing feature was the vast silence, unlike anything I experienced before or since, dwarfing even the grand architecture. Age and business pressure prevents my having a wilderness experience there anymore, but I would like to think that the experience is available to those who visit the canyon. Such is evidently not the case, as the few who consider themselves too busy to take the canyon on its own terms are destroying its most valuable feature by overflights.

The National Park Service should be ashamed of themselves for allowing the desecration of the natural features which are entrusted to it. The alternatives in the draft plan are appalling and a sell-out to aircraft operators.

Sincerely,

Jacob Sigg

Copes: Hon. Morris Udall
Hon. Bruce Vento

PAUL G. BOWER
SUITE 4000
2029 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067

July 5, 1985

Superintendent, Grand Canyon
  National Park
Grand Canyon, Arizona 86023

Dear Sir:

I want to register a strong complaint against activities that we observed on an otherwise enjoyable trip to the North Rim of the Grand Canyon. During our stay we had the pleasure of traveling to the seemingly remote and quiet location of Point Sublime for what was to be a tranquil view of the canyon, and an opportunity to visit the nearby Indian ruins. The tranquility, unfortunately, proved to be nonexistent because of a steady stream of helicopter traffic into the area around Point Sublime and the ruins. In fact, after a difficult hike down the canyon to the ruins we were literally bombarded by a steady stream of helicopters apparently flying sight-seers well into the canyon, and coming very close to the ruins. The steady stream of helicopters not only ruined our visit, but in fact could well lead to damage to the ruins by the incredible noise generated by the helicopters. I believe that the flight patterns of the helicopters not only ruined our enjoyment of the canyon and the ruins, but may well have endangered the wellbeing of the passengers by flying so close to the canyon walls.

To add insult to injury, one of the helicopters apparently registered a complaint against our group visiting the ruins. On our return trip, we were rudely stopped by two park rangers who threatened to issue citations for purportedly defacing the ruins, and endangering the helicopters by throwing stones. These charges were totally baseless, and

PAUL G. BOWER
SUITE 4000
2029 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067

Superintendent, Grand
  Canyon National Park
July 5, 1985
Page -2-

and were apparently intended only to harrass our group. I deeply resent the fact that the Park Service was using my taxpayer money to harrass visitors to the park instead of taking action to curb the helicopter flights into the canyon.

After some checking I have been informed that the helicopter traffic was not an isolated incident, but instead is a continual problem for visitors to the canyon. Rather than avoiding city noises, visitors are instead bombarded with steady streams of helicopter and fixed winged flights into the canyon. These flights are apparently done with your concurrence, because your park rangers stated that the flights were entirely "lawful." As a lawyer, I find it difficult to believe that you do not have the authority to enforce laws already on the books protecting the canyon, and if not, you certainly have the authority to promulgate regulations to eliminate or curb this mechanized intrusion into the canyon. I strongly urge you to take steps immediately to protect and preserve the lands within your jurisidiction.

I am taking the opportunity of sending a copy of this letter to my Senator and Congressman to make them aware of this problem.

Sincerely,

Paul Bower

Paul G. Bower

PGB:mdh
cc: Honorable Alan Cranston
    Honorable Mel Levine

110 Oxford
Irvine, CA 92715

July 12, 1986

Superintendent, Grand Canyon National Park
P.O. Box 129
Grand Canyon National Park, AZ 86023

Good Day:

Even before the recent, tragic, mid-air crash over the Grand Canyon, many people had become concerned that there were too many flights, too low, and too noisy. The crash just brings it all home in a dramatic fashion.

There are few places in this nation where one can escape the reminders of "civilization" -- there's always a haze of smog on the horizon or the sound of aircraft. Unfortunately, the Grand Canyon suffers from both encroachments. The commercialism of sightseers buzzing over only adds insult to injury being done to wildlife — and to the quiet-life most visitors are seeking.

The essence of the canyon is its magnitude, its silent, ancient rocks, its ability to engulf the visitor in the womb of the beginning of time. The intrusion of air craft is a violation of the virgin serenity the landscape offers the city-weary.

In fact, one of the most telling comments on the contrast between life on the Rim and the experience in the Canyon comes in the form of a semi-official sign I saw on one trip to the Canyon. Posted where only hikers coming back up the trail out of the inner canyon would see it, it said something to the effect of "Warning, Civilization Area. Crowds, noise and congestion ahead. Car required for access. For permits, apply to . . ." Let there continue to be a contrast. Keep the Canyon still and serene. Keep the aircraft away.

Thank you for your help.

Larkette Lein

Larkette Lein

cc: Rep. Morris Udall
Rep. Bruce Vento

July 14, 1986

Park Superintendent
Grand Canyon National Park
P. O. Box 129
Grand Canyon, Arizona 96023

Attention: Mr. Dick Marks

Dear Mr. Marks:

I have been a river runner for many years and have ridden the Colorado River through the Grand Canyon seven times between 1965 and 1977. These were the years of transition between "never seeing or hearing a plane on the 8-9 days ride through the canyon" to my last trip in 1977 when I was appalled at the sightseeing planes booming through the inner walls of the canyon.

At about this time the National Park Service was involved in a large-scale effort to limit the number of visitors (river runners) under the guise of saving the "natural environment" of the canyon. I went so far as to get hold of the Environmental Impact Statement and after reading it I could hardly contain myself over statements in the document that claimed the "noise from the outboard engines on some of the rafts" were ruining the peace and quiet of the canyon. AND NOTHING WAS SAID ABOUT THE PLANES THAT REALLY ARE THE CULPRITS OF NOISE POLLUTION. (Of course, since then the helicopters have been permitted inside the canyon and have added their pulsing noise to the environment.) Having ridden the river many times -- all on motorized outboard rafts with Sanderson Bros. out of Page, Arizona, I knew for a fact that the noise from the boats is not the problem -- the noise from the planes is. It was my belief then and still is now that the National Park Service was, for some reason or other, using a fictitious noise issue with the boats to disguise their real reasons for limiting the number of river runners. And I wrote a letter to this effect at that time and transmitted it to the park officials.

Anyway, you have succeeded in limiting the number of river runners per year - and I don't necessarily disagree with doing this. What I always disagreeed with was the ignoring of the real noise polluters - the planes and now the helicopters. I believed then and I believe now, that the National Park Service has failed and is failing miserably in protecting the beauty (which includes the solitude as well as the physical appearance) of the canyon by allowing any planes or helicopters to fly in or over the Grand Canyon.

The purpose of this letter, therefore, is to once again plead with you to do everything in your power to do away with the noise pollution caused by the planes and helicopters, and to restore the unique quietness to the Grand Canyon.

Sincerely,
Shirley L. Grindle
Shirley L. Grindle
19051 Glen Arran
Orange, California 92669
(714) 633-0851

Monty Fowler
129 Jasmine
Lake Jackson, TX 77566
July 14, 1986

Superintendent, Grand Canyon National Park
National Park Service
Box 129
Grand Canyon, AZ 86023

Dear Sir,

I just recently returned from a nine-day motorized raft trip down the Grand Canyon from Lee's Ferry to Pierce Ferry and would like to share some concerns with you.

The first has to do with helicopters and airplanes overflying the canyon - it is very distracting, irritating, and objectionable to be hiking in the quiet, splendor and isolation of Clear Creek Canyon, Surprise Valley or Hermit Creek and be subjected all day long to the whock-whock-whock of helicopters.

In our hike up Clear Creek I counted no less than 14 helicopters and two small airplanes. So much for having an isolated "wilderness" experience!

Every helicopter I saw was flying below the rim, in two cases at least 1,000 feet below it. The airplanes seemed to keep at rim level or above and were not as objectionable.

While touring the south rim, I noticed that helicopters painted in a yellow color scheme seemed to fly the lowest below the rim for the longest period of time. An examination of several company's brochures showed pictures that clearly show the craft flying extremely low and close to canyon bottom features.

In talking with our boatmen I found that the problem has been much worse in times past but the recent senseless deaths of 25 people at the hands of careless pilots seems to have instilled the other pilots with at least a glimmer of restraint.

I would like to offer some suggestions that could be implemented at minimal expense:
1) Ban all flying below the rim, do not merely suggest it.
2) Prohibit cross-canyon flights in the inner gorge area so that those of us in the bottom can enjoy the canyon in relative peace and quiet.
3) Set realistic restriction on the number of flights per day. You already limit the number of rafters-why not put a lid on the flyboys also?
4) Set certain times [illegible] helicopters and others for fixed-wings, to avoid the fatal combination that killed the 25.
5)Encourage people to get out of their cars and WALK to experience the canyon instead of seeing it from a high speed flight.
6) Set a 1,000 foot minimum height above the rim for all flights, for both safety and peace and quiet.

Thank you for your time. I plan to return next year to see what progress has been made.

Sincerely,
Monty Fowler
Monty Fowler

. Need I remind you that the most awful price of all was paid in 1956 by the
who died in the two-plane collision near the mouth of the Little Colorado?
hike up there should cure any who want to see the wonders of the canyon from
air. Perhaps a display of wreackage at park headquarters would be appropriate.

P.O. Box 34
Cedar City, UT 84720
July 14, 1986

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

Re: EA, Aircraft Management Plan

Dear Superintendent:

I witnessed the airplane falling from the sky above Crystal Rapid, after its collision last month with a helicopter. Watching 25 people die was a grim experience for me and for my companions on that Grand Canyon Dories trip.

Neither craft was flying anywhere near the FAA's "recommended" altitude of 2,000 feet above the rim. Eyewitnesses who saw the flash of the collision stated at the time that it occurred below the rim, perhaps as low as the Tapeats sandstone layer.

I watched the plane spiral downward for approximately 7 to 10 seconds before it disappeared behind a ridgeline and immediately exploded. Even if the plane were dropping as fast as 32 feet per second, it could not possibly have taken so short a time to fall 5,000 feet (i.e. from 2,000 feet above the North Rim to 2,000 feet above river level).

The fact that this collision occurred so low proves that scenic tours routinely violate the FAA's advisory. Thus any realistic Management Plan must provide for detection (radar) as well as vigorous enforcement (the Park Service's willingness to prosecute).

To what extent is safety addressed in the Management Plan? If a Yellowstone grizzly killed 25 visitors, the area would be closed and the bear would be eliminated. If 25 climbers died on El Capitan, Yosemite would close the routes. If 25 drivers died on a dangerous curve near the North Rim, Grand Canyon would close the road and re-engineer the curve. Not to do so would leave the Park Service vulnerable to massive tort claims.

Scenic overflights are not an appropriate use of National Park wilderness. The Grand Canyon is not just a place to see, but is a place to be. One cannot experience its sublime peace and beauty, while one constantly hears aircraft over the sound of rapids. The day of the collision (both before and afterwards) air traffic was so ceaseless that the two which collided were not themselves particularly noticeable. When we hiked to Thunder River a couple of days later, aircraft were flying below rim level and their noise was clearly audible above the powerful roaring of the falls. I was surprised that the collision had not produced a moratorium on scenic flights.

I understand that the alternatives addressed in the Management Plan range from "no action" (that is, allowing the current free-for-all to continue) to restricting flights to 2,000 feet above the rim. Why is the plan's most stringent alternative such a mild one? Since Grand Canyon became a Park long before flights were big business, there exists no historical justification. I urge you to recommend rewriting the Management Plan so that the most stringent alternative analyzed would be the Sierra Club's recommended 18,000 foot limit.

Does the plan suggest limiting "emergency" and "administrative" flights? In all the years I have been hiking the Kaibab and Bright Angel trails, I have been annoyed by helicopters doing Park Service business which might easily (and more safely) have been done on foot.

I know full well that about 80% of emergency flights taken by Park Service personnel are for unimportant reasons. I know this because I spent 7 years as a law enforcement ranger in Yosemite and another 3 years in Grand Teton. In both parks, emergency flights were usually taken for fun. A friend who used to work as a nurse at the South Rim once told me she flew to the North Rim in order to deliver one bandaid. Thus the Park Service itself contributes to aircraft pollution within its wilderness.

Those 25 people will have died in vain if their tragedy is not used to reverse current policies. Grand Canyon needs a Sky Wilderness.

Sincerely,

Valerie P. Cohen

My permanent address in on page 1 of this letter. Should you wish more information from me, my summer address is General Delivery, Wilson, Wyoming 83014, phone (307) 739-9383.

cc: Rep. Bruce Vento (D, MN)
William Mott
Southern Utah Wilderness Alliance

OSMOND MOLARSKY
P.O. Box 286
Ross, California 94957

15 July 1986

Superintendent
Grand Canyon National Park
P.O. Box 219
Grand Canyon, AZ 86023

Sir:

To put it directly, we found little pleasure in our recent visit to the Grand Canyon, due to the intolerable noise and intrusion of sightseeing aircraft during much of the day. Visitors who take the trouble to explore the wonders and beauty of this great national resource surely have priority over those who prefer to fly over the Canyon and the commercial interests who cater to their taste for second-hand experience.

We understand that the Park Service is aware of the problem but has failed to take positive action to remedy it. We urge you no longer to depend on voluntary restraint by sightseeing aircraft but to seek enforcable regulations to eliminate this problem. We remind you that the Park Service is obligated by law to protect the natural quiet of the Canyon, a fact which should justify and strengthen any effort you may make in this direction. We hope you will make the effort.

Respectfully yours,

Osmond Molarsky

Margaret G. Molarsky
Margaret G. Molarsky

#204 - 4178 Smith Avenue,
Burnaby, British Columbia
CANADA V5G 2V2

1986 July 15

Richard W. Marks,
Superintendent,
Grand Canyon National Park,
P.O. Box 129,
Grand Canyon, ARIZONA
86023-0129

Dear Sir:

This letter is sent in response to the summary of alternatives being considered on the issue of overflights in Grand Canyon National Park. My remarks centre around the misuse of the Park by aircraft.

In our pursuit of recreational interests we become blind to the effect of our destructiveness towards all species of this planet. An important element is missing from the average homo sapien philosophy—that of the understanding of living with Nature. Our knowledge of this or lack thereof reflects the interest of our elders and public school educators to teach it. Afterall, we are not necessarily born with a respect for Nature, it would seem to be learned.

National parks are treasures meant to be enjoyed by all. The introduction of mechanical contrivances is an affront to the fundamental purpose of national park designation. The statement made by Elling Halvorson, vice president, Grand Canyon Airlines (as quoted from the article, "Filling the Parks With Noise," July/August issue, Sierra magazine) that, "If people don't like the noise, they can go elsewhere," is a confession of violent disregard for the right of all park visitors to experience the profoundness of one of Nature's silent places. The other unfortunate fact presented here is that the airline is catering to individuals who unnecessarily rely on external stimulation in order to participate in and enjoy life (a trait particularly endemic to the 1980's).

To resolve to merely limit air traffic to certain areas of Grand Canyon National Park is allowing accommodation of a continuing problem, and whether or not only partial elimination of air traffic is necessary to "achieve the mandate of Public Law 93-620," the door is being left open to trouble. It is logical that aircraft stand by to perform emergency tasks but the line must be drawn there. We must think twice about our desire to fly the Canyon in the light of environmental considerations and the risk to oneself.

.../2

There is a message in the recent air disaster which occurred at Grand Canyon National Park—perhaps not the answer anyone expected but one which none of us can afford to ignore.

Yours sincerely,

Ellen N. Henderson
Opponent of Noise Pollution

/enh

David Bean
6109-183rd Place SW
Lynnwood, WA 98037

July 15, 1986

Park Superintendent
Grand Canyon National Park
Grand Canyon, AZ 86023

Dear Sir:

I would like to take this opportunity to express the displeasure I experienced on a recent visit to Grand Canyon National Park. Last May, I travelled to the Grand Canyon for a week-long backpacking vacation. I went to explore a seldom-visited part of the canyon, along the Tonto Platform between the Bass and Hermit trails. As I had anticipated, the scenery was magnificent and I walked and slept under the stars for four days without seeing another human being. Unforturately, I was seldom out of sight or sound of aircraft during daylight hours. The intrusion of airplanes and helicopters, at first only a curiosity, became an obsessive nightmare after a couple of days of incessant droning. I left the canyon saddened by the violence done to what I had remembered as a child as the most awesomely silent place I had ever been. In a nation nearly consumed by modernness, the value of silence and solitude in a pristine environment has become, for many Americans, a cherished apex of personal fulfillment. Surely we as a nation should insure its perpetuation in our national parks.

The recent tragic accident involving two of these aircraft also illustrates the safety hazard of unregulated flight over the canyon. I strongly recommend that steps be taken to:

1) prohibit all air traffic below 5,000 feet above the canyon rims.

2) prohibit all overflights Monday through Thursday.

3) limit the number of flights to no more than three per hour.

If these steps are taken, we can assure that all Americans, present and future, can stand on the edge of the world's greatest chasm and admire its grandeur amid the silent splendour of the ages.

Sincerely,

David Bean

July 15, 1986
5671 W. Chicago
Chandler, AZ 85226

Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

I am writing to state my objection to all the proposed alternatives for control of over-Canyon aircraft.

As evidenced by the recent crash, there is not enough control of air tours and the airspace over and in the Canyon is vastly overcrowded.

I support the Sierra Club proposal to eliminate unneeded below-the-rim flights and moving other flights away from sensitive areas of the park. The Park Service must have enforceable regulations, because voluntary regulations aren't working now, so why should they work later?

The air tour company claim that they serve the handicaped, the elderly, and the young, is absurd. They serve the people with money. As for denying access to the Canyon, I have hiked in the Canyon with many people in their 60's and 70's. I have seen hundreds of children age eight and over in the Canyon. If kids are too young to hike in the Canyon, they are too young to remember the experience. I have also hiked in the Canyon with a blind man and a young man with one leg. If a person is active, that person will find a way to stay active no matter the handicap.

The Park Service is not in business to support the air tour companies. They are charged with protection of the land, and preserving the parks for future generations. The Canyon experience for the majority must not be damaged for the minority businesses making big bucks off our National Parks.

Sincerely,

Marjorie Woodruff

cc: Dennis Deconcini

July 16, 1986

Dear Sir,

Last April, along with a few friends, I was privileged to spend a week in the Grand Canyon. We went from the north rim down the Nankoweap trail to Nankoweap Creek - spent five nights at various points along the creek, doing numerous day hikes.

We encountered only four people and the feeling of solitude was marvelous; except for the numerous intrusions of small airplanes and even helicopters, some coming very close to the canyon floor. I can only imagine what it must be like during the main tourist season and in more heavily used portions of the canyon. I'm sure that during those times and in those areas, there is no such thing as solitude.

I ask, not just on my behalf, not just on behalf of those who may hike in the canyon during the main tourist season but for all of those who will want to hike in the canyon in years to come. Limit the flights in the canyon! Allow only those flights that are necessary below the rim, all others should not be allowed within two thousand feet.

Sincerely,

Michael L. Binyon
1801 E. Hillcrest Ave.
Salt Lake City, Utah 84106

San Francisco, CA
July 16, 1986

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

To whom it **must** concern:

I type this letter as a simple concerned citizen, unaffiliated with any larger group. I urge the Park Service to recommend to the Federal Aviation Administration far tighter restrictions on aircraft use in the Grand Canyon than any of your six current aircraft management alternatives. Specifically, only administrative and emergency flights authorized by the Park Service should be allowed within the Park's airspace.

Aircraft are the only form of motorized transportation whose use is essentially unrestricted within national parks. I doubt that the Park Service would allow tour bus companies to build new roads into roadless park areas or permit dirt bikes to be rented for use on park trails. Yet the unregulated proliferation of aircraft tours seems to me to represent an equally objectionable expansion of motorized transportation to every corner of the park.

I understand that the aircraft tour operators argue that their services provide a means for those who cannot hike to Phantom Ranch to "experience" the canyon. This argument seems to me to be a red herring. The disabled and the out-of-shape have the potential options of riding a raft or a burro to experience the canyon from perspectives other than the rim.

Most important, aircraft touring seems to me to be fundamentally incompatible with the Park Service's mission to preserve the parks in as close to their **original** condition as possible, so that they may be enjoyed by present and future generations. Obviously, some modifications (roads, trails, accomodations, etc.) are necessary to allow people to access the park experience, and I acknowledge that the Park Service's most difficult job is drawing the line at what is enough access, but not too much. However, it certainly seems to me that the Park Service should not permit forms of access that are likely to intrude upon the experience of virtually all park visitors, such as aircraft tours.

I last visited the Grand Canyon a decade ago, and remember being bothered by the continual whine of aircraft engines at that time. I shudder to imagine how the senses are being assaulted now. Please put me on the service list for the procedure you are now following to develop rules for aircraft management in Grand Canyon National Park.

Sincerely,
Tom Beach

address
1834 Delaware
Berkeley CA
94703

Ricrard Marks
Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

July 19, 1986
Jack Carlson
536 East Manhatton Drive
Tempe, Arizona 85282

Dear Mr. Marks,

I would like to ask you to support the Sierra Club "Quiet Canyon Proposal" for a solution to the aircraft problem in the Grand Canyon. If you have to make a choice, you could even make the "Quiet Canyon Proposal" more strict by eliminating over flights above the 18,000 foot elevation. A more lenient proposal on aircraft operation is not acceptable.

As you know, the "Quiet Canyon proposal" eliminates all aircraft over the Grand Canyon National Park up to an altitude of 18,000 feet, except for emergencies.

You, as the Superintendent of our fine Park, have to preserve the land under your responsibility. If you do not help us retain the natural quiet of the Canyon, there is no one else we can turn to. In the past you have done an excellent job. For example, the zoning of the Grand Canyon for backcountry hiking has helped restore the "adventure" in the backcountry travel.

There are many reasons why your previous alternatives will not solve the aircraft noise problem in the Grand Canyon. I will list just a few reasons.

1. If you mix a noisy aircraft with a natural quiet area, you always get a noisy result. The analogy is the same as smoking ar

non-smoking areas for people in public places. You can't mix them because the result is always a smoky (noisy) area.

2. Enforcing any restrictions on aircraft in the Canyon will be difficult. The easiest enforcement will be with a proposal that eliminates all aircraft. Then it is easy to determine if someone is breaking the rules by determing if they are within the Park boundary.

3. The voluntary rules the Park has suggested in the past have not worked. Aircraft operators have not been willing to follow guidelines. They need a specific rule such as, "YOU CAN NOT FLY OVER THE GRAND CANYON NATIONAL PARK".

I know the decision you make will affect the business of a few people. That is unfortunate. And I understand the difficulties of running a business.

Sometimes a business will lose its resources. For example; mines and oil wells are depleted; or the employees are hired by a competitor; or maybe too much money was borrowed and all the assets are taken by the creditors.

In this case, the resource is the Grand Canyon National Park. And the aircraft tour industry has been using this resource without agreement with the Grand Canyon National Park. There is a risk in running a business this way.

You should not feel any pressure to help anyone run their business. They have taken the risk.

You cannot take a risk with the Grand Canyon. We cannot build or replace the Grand Canyon. This is all we have, and we cannot take a risk, like a business man, in destroying the Canyon's natural beauty and quiet.

Please support the "Quiet Canyon Proposal".

Thank you

Jack Carlson

Jack Carlson

7/23/1986

To: Superintendent, Grand Canyon National Park, P O Box 129, Grand Canyon,
Az. 86023

From: Steven Frank, P O Box 2467, Pullman, Wa. 99165

Dear Sir,

This letter is in response to the commercial air traffic over and in the Grand Canyon National Park. I have traveled, by foot, into the Grand Canyon on several occasions, with the last time being Dec/Jan of 1985/86 for approximately one week. Unfortunately my most vivid memory of the beautiful canyon from my last trip was the distracting and disruptive **NOISE** from the commercial air traffic. As I remember it, the air traffic **NOISE** seemed to start shortly after sunup and last all day until sundown. That was the off season and I am afraid to think of the **NOISE** from the air traffic during the heigth of the tourist season. I felt that because of the air traffic **NOISE** the beauty and serenity of the canyon was degrated. I often felt that I was standing in the middle of a runway at an internation airport. And what was worse for me was the fact that my presence in the canyon was for the viewing of the tourists in the planes. On more than one occasion, on my last trip, my party and I were "buzzed" and viewed upon by commercial aircraft, flying around our camps for several minuts at a time. I was outraged. I felt like throwing rocks at the planes to scare them away. Please Sir, for the sake of the canyon and the principles that the Grand Canyon National Park was created for, at least limit this ugly, noisy, distracting and unfortunately dangerous commercialization of our national parks. In my honest opinion, I would prefer to see a complete ban on all commercial air traffic over the Grand Canyon. However considering the huge lobbying force of the commercial air tours I doubt this will happen, even at the expense of the Grand Canyon.
Thank you for addressing this grave issue.

Sincerely

Steven Frank

July 25, 1986

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

Dear Superintendendent Marks:

I would like to add these comments to the official record concerning the aircraft hearings in Grand Canyon National Park. The most noticable element of this document is the slant in alternatives; this is not an environmental assessment as much as an accommodation to the air tour industry. In order to rectify this situation the following changes need to be made. These are not solutions but a broader range of alternatives from which to choose.

First: Elimination of voluntary compliance. Whatever alternative is adopted needs to have clearly stated regulations. Enforcement procedures and penalties need to be stated.

Second: Because of the need for a broader and fairer addressing of the problem, the free flight alternative needs to be included as one of the choices. You need to also develop other alternatives that cover the range between alt. 6 and the quiet proposal.

Third: The National Park Service needs to state what alternative they prefer and why. We, the public, can then have a clearer notion of exactly where the park stands on this issue.

Fourth: There is still a hope that the park will choose according to the mandates of the law and the necessity of preserving the peace and quiet of one of the grandest of our national parks. It needs to be reiterated once more: THIS IS A RESOURCE ISSUE. If the final decision becomes another road show of counting numbers or bending to economic pressures, than the park has failed to do its job. We all know it is not an easy one, but we will work toward and with you to fulfill that goal.

Sincerely yours,
Rudolf V. Lambrechtse
Rudolf W. Lambrechtse
421 W. Juniper
Flagstaff, AZ 86001

This is a new address.

July 27, 1986

Dick Marks, Park Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Ariz 96023

Dear Sir:

I would just like to add my voice to those who are concerned about the situation regarding the numerous flights over the Grand Canyon. Although the ultimate solution would be to ban all aircraft (other than emergency and search-and-rescue), I realize that is not practical, or possible.

Two Summers ago I worked as a cashier at the Yavapia Lodge Cafeteria, and to get away from the noise, I would find a bench near the canyon on my off-duty time, anticipating a few minutes of quiet and solitude, only to be bombarded by the sound of planes and helicopters flying over. There seemed to be no peace and quiet to be found in an area that was set aside for just such a purpose.

It is true that if flights are banned or limited, many people will not be able to enjoy seeing the canyon from the air, but how many people are turned away from the mule rides into the canyon because there are so many trips with so many mules and not enough to go around. We all miss many things in our lives because of the numbers of people who want to do those same things and there is not enough for everyone, but why should so many people be inconvenienced (by the noise) so that a few privileged ones can take advantage of an opportunity? There are so many other ways the canyon can be viewed - and was viewed by many people - before the advent of the airplane and helicopter. The most important thing is to preserve the Canyon, and the peace and solitude it can offer to so many, rather than a thrill for a few. Let's also think of the safety factor, as was recently brought out with the collision of a plane and helicopter.

Please, exert every effort to solve this problem so that everyone will benefit, for now and for future generations.

Thank you.

Billie Kennedy
Billie Kennedy
80 Huntington St. Space 606
Huntington Beach, CA 92648

Helen-Marie Fruth
925 25th Street, N.W.
Washington, DC 20037

July 28, 1986

Superintendent
Grand Canyon National Park
Grand Canyon, Arizona 86023

Dear Sir:

As a member of virtually every environmental and conservationist organization extant, I wish to add my voice to the many others who strongly oppose further flights in, as well as over the Grand Canyon.

As a visitor to the Park in 1984, I stood at the South Rim, tears streaming, as I viewed with total wonder the beauty and awesomeness of the phenomenon that stretched out before me.

To in any way further jeopardize this remarkable gift of nature would be most reprehensible. I strongly opposed the flights then, as I strongly oppose their continuation at this and all future time.

Sincerely yours,

Helen-Marie Fruth

July 28, 1986

Superintendent
Grand Canyon National Park
Box 129
Grand Canyon, AZ 86023

Dear Superintendent:

I am writing this letter to comment on the proposed regulation of aircraft flights over and into the Grand Canyon.

I support the "Quiet Canyon Proposal" proposed by environmental groups, which would establish a mandatory Special-Use Airspace (restricted area) in and over the park.

I have visited the Grand Canyon National Park on numerous occasions, making various types of trips: as a backpacker, an auto tourist making a day trip, a camper, and as a weekender staying in one of the park's hotels. Recently, I flew over the middle of the Canyon during a commercial flight to Salt Lake City from Phoenix.

It is my strong feeling that the silence and serenity of the Canyon are fundamental to the experience that its visitors seek. Most visitors see the Canyon in one of the ways that I have, not from a low-flying aircraft. Their experiences are diminished by too much noise. From my own experiences, I can tell you that the Canyon is an awesome sight, even just seen from the Rims. I was riveted to the spectacle of the Canyon seen from my airplane window at over 18,000 feet altitude!

To those who say that the handicapped and the tourist with only a short time would be hurt by the "Quiet Canyon Proposal," I respond that these flights would still be available and still worth taking even with the proposed restrictions. Tourists do not need to be able to follow the canyon walls in a helicopter to have a wonderful experience, or to fly across the center. I think that the aircraft operators will still be able to sell their tickets for this kind of flight. And, of course, tremendous views of the Canyon are readily available to all from numerous locations along the Rims, by auto, foot, and bus.

Please do all you can to preserve the quiet of the Canyon for the majority of its visitors, who want to experience its beauty as well as its peace - away from noise and machines.

Sincerely yours,

Judith A. Shappee

Judith A. Shappee
P.O. Box AB
Superior, AZ 85273

cc: Sen. Barry Goldwater
Sen. Dennis DeConcini
Rep. John McCain

30 July 1986
304 Woodland Hills
White Plains, New York 10603

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023-0129

Dear Sir:

This letter is about the flights over Grand Canyon issue. I am one of the authors of Intermountain Flora, which brings me to the North Rim country frequently in the course of my summer´s field work.

It is a long drive to Toroweap Point over a gravel road that becomes impassible in a two-wheel drive vehicle in a rain storm (I know this from personal experience) and can be pretty dusty and rough under normal circumstances. The view from there is a tremendous reward, but the pleasure of my last two visits where seriously diminished by the constant parade of airplanes and helicopters. We used to be able to hear the distant roar of Lava Falls, but no more.

Fortunately It was long enough ago that I hiked into Thunder River that I can remember it with only the breeze, frogs, and bird songs competing for the sound of the thunderous springs. I would dearly like to return to Thunder River and Deer Creek, but not until I can be assured that the drone and chopping sounds of aircraft are eliminated.

Looking over your actions document I find your "flight-free areas" designation to be a misnomer. The definition of the word "free" should agree with Webster´s Ninth New Collegiate Dictionary, which defines it as "exempt, relieved, or released from something unpleasant or burdensome . . . ." The implication of flight-free is that the area is completly off limits to any airplane flights other than those occasional ones specifically authorized by your office for official duty. I can´t believe that any kind of powered flight can pass within a mile (5280 feet) of those areas and not be heard. I don´t see any of your alternatives achieving what "flight-free implies and I hope that plans will be forthcoming that will "free" us of these sounds.

Sincerely,

Noel H. Holmgren

Noel H. Holmgren

July 30, 1986

Mr. Richard Marks, Superintendent
Grand Canyon National Park
PO Box 129
Grand Canyon, Arizona 86023

Dear Mr. Marks:

I would like to add my voice to the thousands of others in this country calling for the elimination of low-level overflights of Grand Canyon National Park.

Like you and others, I was dismayed but not surprised by the crash June 18 which killed 25 people -- it was not the first, and certainly, without restrictions, it won't be the last. The crash only serves to make a stronger case for getting aircraft out of the canyon!

I heard that the FAA has recently ruled that tourist flights must remain above the rim of the canyon, but I am not convinced this is sufficient to prevent the noise impacts within the canyon. Although I am not familiar with all of the ramifications of the "Quiet Canyon Proposal" endorsed by a coalition of environmental groups, it seems to me that the limitations they seek are most appropriate to the protection of the natural values of the park. I believe Grand Canyon National Park, as one of the World Heritage Sites, deserves the most stringent protective regulations.

By the way, I am not an "elitist backpacker" -- which, anyway, seems to be an incongruous term! I am, however, one who prefers to enjoy the beauty of our national parks without the "help" of the concessioners who are, after all, only looking to make a buck off tourists. I might add, too, that at a $100 plus pricetag for a flight over (or through) Grand Canyon National Park, it seems to me the air tour operators are not -- as they like to pretend -- serving the less able-bodied or elderly, but, more likely, the rich and lazy.

Your consideration of my letter and its inclusion in the hearing record will be greatly appreciated.

Very truly yours,

Christine Sanborn

Christine E. Sanborn
2135 South Ash Street
Denver, Colorado 80222

PO Box 3991
Logan, UT 84321

Superintendent
Grand Canyon National Park
Arizona

Superintendent:

I am writing concerning the alarming amount of air traffic over the Grand Canyon.

A little over a year ago, on my second trip to the canyon, I went down the Hermit trail to monument creek and down to Granite Rapids. I spent a day at Granite Rapids before returning to the rim. There was one group that arrived and departed during the time I was at the rapids. Although I knew they were around, I had no direct contact with them. The only thing that broke the solitude was the constant air traffic overhead. One plane would barely pass out of view and another would appear. The constant noise was most annoying. I also felt that I was not alone, but that dozens of people were continuously coming and going.

The park service is to be commended for their superb management of the inner canyon. The permit system and zoning method assure that solitude is found in most of the canyon, as well as keeping human impact to a minimum. It is unfortunate that this effective management is largely negated in so much of the canyon by the amount of air traffic.

I would like to see a limit on the number of flights over the canyon, as well as a minimum elevation of 18000 ft, enforced.

Sincerely,

James Frankenfield

Mr. Dick Marks
Superintendent of Parks
Grand Canyon Nation Park
P.O.Box 129
Grand Canyon,Az. 86023

Dear Mr. Marks;

Please count my name among those concerned individuals who are - calling for the inforcment of regulations and the reduction of air tour flights over and into the canyon.

I have never been beyond the rim myself, but I am distressed to hear of the noise pollution created by these tour flights distroying the peace and beauty of this national wonder. I can nolonger tolerate the fact that the pleasure and profit of a few (less than 10% of the canyons annual visitors) takes presidents over the pleasure of the majority.

As a rule I against government intervention into personal or private affairs. However I also recognize that without regulations there will always be a less than honest few who will take advantage of a good situation.

It is time to act on this increasing and now dangerous practice. If your department is unwilling or unable to inforce existing regulations what is next? A raft of "Canyon Condos" on the rim for a rich few or an express escalator to the canyon bottom for those to lazy to make the climb?

If it is a matter of money I known I among many would contribute to a fund that would help preserve the true beauty and SILENCE that is a very important part of the Grand Canyon experience.

Sincerly

Tom Oldendick
7330 E.Palo Verde #10
Scottsdale Az. 85253

Superintendent
Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dear Sir,

As I stood on the shore of the Colorado River one afternoon after a day of kayaking, a plane swooped by only a few feet over the water. The roar and the intrusion ruined the feeling of peace and isolation. During our two week trip down the river two years ago this was the worst of our encounters with aircraft but it was only one of many.

Every day was filled with the drone of planes, some in the canyon below the rim, some higher up. All of them were offensive. The most beautiful cathedral on earth should not have planes flying through it, except for emergencies.

The argument is sometimes made that everyone needs access to the beauty of a place like the Grand Canyon, and that not everyone can hike or boat into it. Aside from the fact that the argument is made mainly by self-serving concessionaires, there is in fact good access to the views of the canyon for elderly and handicapped people, as you know. It is not necessary to climb or hike to see stunning views. I would prefer that the views not include a large number of circling aircraft.

I understand that the aircraft operators are trying to protect their livelihood, and I do not blame them for that. Many of them have no doubt acted responsibly in using the canyon. Others fly dangerously and in blatant defiance of other people's feelings and privacy. There is only one Grand Canyon, and they do not belong in it. They are destroying much of the beautiful feeling of the place for the thousands of people who explore the canyon. I and my friends will again be boating down the canyon this fall. One of my main hesitations in going was the knowledge that far from being a pristine place the canyon will be shared with loud engines. The other aspects of the canyon management are so excellent. Why allow such a glaring deficiency in the regulations to continue?

Thank you for your time and attention. I hope it will not be long before the canyon returns to the stillness that it has had for millenia.

Sincerely yours,
Matthew Scott
Matthew Scott

3229 8th St. Boulder, Colorado 80302